

By the Committees on Criminal Justice; Transportation; and
Senator Baker

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1 A bill to be entitled

2 An act relating to the Department of Highway Safety and
3 Motor Vehicles; amending s. 316.0741, F.S.; redefining the
4 term "hybrid vehicle"; authorizing the driving of a
5 hybrid, low-emission, or energy-efficient vehicle in a
6 high-occupancy-vehicle lane regardless of occupancy;
7 authorizing the department to limit or discontinue such
8 driving under certain circumstances; exempting such
9 vehicles from the payment of certain tolls; amending s.
10 316.1575, F.S.; requiring a person walking or driving a
11 vehicle to stop at a railroad crossing upon the signal of
12 a law enforcement officer; amending s. 316.159, F.S.;
13 requiring the driver of a commercial motor vehicle to slow
14 when approaching a railroad crossing; providing that a
15 violation of such requirement is a noncriminal moving
16 violation; amending s. 316.1895, F.S.; requiring the
17 placement of signs in certain school zones stating that
18 speeding fines are doubled within the zone; amending s.
19 316.191, F.S.; revising provisions prohibiting certain
20 speed competitions and exhibitions; revising the
21 definition of the terms "conviction," "drag race," and
22 "race"; defining the terms "exhibition of acceleration,"
23 "exhibition of speed," and "spectator"; prohibiting
24 driving in any race, drag race, exhibition of speed, or
25 exhibition of acceleration; prohibiting certain acts in
26 association with a race, drag race, exhibition of speed,
27 or exhibition of acceleration; prohibiting being a
28 spectator at any such race, drag race, or exhibition;
29 providing for a rebuttable presumption that a person is a

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30 spectator; providing criminal and noncriminal penalties;
31 providing for revocation of the driver's license upon
32 conviction; providing for disposition of citation for
33 being a spectator; providing penalties for a second or
34 subsequent offense; providing that a violation that causes
35 or contributes to causing serious bodily injury to another
36 is a felony of the third degree; providing that a
37 violation that causes or contributes to causing the death
38 of any human being or unborn quick child is the crime of
39 racing manslaughter; providing penalties; providing for a
40 determination of the definition of the term "unborn quick
41 child"; requiring that the driving record of a person
42 charged be provided to the court; providing criteria for
43 arrest; providing procedures for charging the owner of a
44 motor vehicle as a spectator if the owner's vehicle is
45 parked or operated in near proximity to any such race,
46 drag race, or exhibition; providing for citations,
47 disposition procedures, and enforcement; providing
48 procedures for impoundment or immobilization of a motor
49 vehicle under a court order; providing for release from
50 impoundment under specified exceptions; requiring costs
51 and fees of impoundment to be paid by the owner or lessee
52 of the motor vehicle; providing procedures for an
53 arresting officer to immediately impound a motor vehicle
54 used in a violation; providing for the period of
55 impoundment; removing a requirement for impoundment that
56 the person being arrested is the registered owner or
57 coowner of the motor vehicle; providing for seizure and
58 forfeiture of a motor vehicle used in a violation;

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59 removing provisions for application only after a prior
60 conviction and only if the owner of the motor vehicle is
61 the person charged with the violation; providing for a
62 motor vehicle used in violation to be seized and forfeited
63 under the Florida Contraband Forfeiture Act regardless of
64 whether the violation is a misdemeanor or felony;
65 providing for satisfaction of the element of negligent
66 entrustment; providing for severability; amending s.
67 316.193, F.S.; lowering the blood-alcohol or breath-
68 alcohol level for which enhanced penalties are imposed
69 against a person who was accompanied in the vehicle by a
70 minor at the time of the offense; amending s. 316.1937,
71 F.S.; revising the conditions under which the court may
72 require the use of an ignition interlock device; amending
73 s. 316.29545, F.S.; exempting certain investigative
74 vehicles from the prohibition against installing window
75 sunscreening on a vehicle; amending s. 316.302, F.S.;
76 revising the application of certain federal rules;
77 providing for the department to perform certain duties
78 assigned under federal rules; updating a reference to
79 federal provisions governing out-of-service requirements
80 for commercial vehicles; amending s. 316.3045, F.S.;
81 providing enhanced penalties, including forfeiture of the
82 vehicle, upon multiple convictions for violating
83 prohibitions against the use of excessively loud
84 soundmaking equipment in a motor vehicle; amending ss.
85 316.613 and 316.614, F.S.; redefining the term "motor
86 vehicle" to exclude certain trucks from the requirement to
87 use a child restraint or safety belt; amending s. 316.645,

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88 F.S.; authorizing a police officer to make an arrest upon
89 probable cause of a violation of laws governing motor
90 vehicle licenses; amending s. 316.650, F.S.; revising
91 requirements for traffic citation forms; providing for the
92 electronic transmission of citation data; amending s.
93 316.656, F.S.; lowering the percentage of blood or breath
94 alcohol content relating to the prohibition against
95 pleading guilty to a lesser offense of driving under the
96 influence than the offense charged; amending s. 319.001,
97 F.S.; defining the term "certificate of title" to include
98 information stored electronically in the department's
99 database; amending s. 320.0706, F.S.; providing that a
100 violation of requirements for displaying a truck license
101 plate is a moving violation; amending s. 320.0715, F.S.;
102 requiring the department to withhold issuing or to suspend
103 a registration and license plate for a commercial motor
104 vehicle if the federal identifying number is not provided
105 or if the motor carrier or vehicle owner has been
106 prohibited from operating; amending s. 320.01, F.S.;
107 redefining the term "motorcycle" to exclude a vehicle
108 where the operator is enclosed by a cabin; amending s.
109 320.02, F.S., as amended; deleting the requirement for a
110 motorcycle endorsement at the time of original
111 registration of a motorcycle, motor-driven cycle, or
112 moped; repealing s. 320.02(13), F.S., relating to a motor
113 vehicle registration voluntary contribution for the
114 Election Campaign Financing Trust Fund; repealing s.
115 320.08053(3), F.S., relating to provisions requiring that
116 the department adopt rules providing certain

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117 specifications for the design of specialty license plates;
118 amending s. 320.27, F.S.; revising evidence required for
119 motor vehicle dealer applications; amending s. 322.01,
120 F.S.; defining the term "convenience service"; redefining
121 the terms "conviction," "hazardous materials," and "out-
122 of-service order"; amending s. 322.0255, F.S.; revising
123 eligibility for reimbursement for organizations that
124 conduct motorcycle safety courses; amending s. 322.03,
125 F.S.; deleting provisions exempting certain persons from
126 the requirement to surrender a license issued by another
127 jurisdiction; providing certain exceptions for part-time
128 residents; amending ss. 322.051 and 322.08, F.S.;
129 requiring that an applicant for an identification card or
130 driver's license provide additional information;
131 authorizing use of additional documents to prove identity;
132 revising the fee requirements; revising provisions
133 providing for the expiration of an identification card
134 issued by the department; deleting provisions authorizing
135 a voluntary contribution; amending s. 322.14, F.S.;
136 requiring that an applicant for a driver's license provide
137 a residence address; amending s. 322.15, F.S.; authorizing
138 a law enforcement officer or authorized representative of
139 the department to collect a person's fingerprints
140 electronically; amending s. 322.17, F.S.; revising the
141 requirements for obtaining a replacement license or
142 permit; deleting provisions authorizing the department to
143 issue address stickers; amending s. 322.18, F.S.; revising
144 provisions providing for the expiration of driver's
145 licenses; providing for the renewal of certain licenses

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146 every 8 years and for the renewal of licenses for persons
147 older than a specified age every 6 years; providing for
148 the renewal of licenses using a convenience service;
149 requiring the department to issue new licenses rather than
150 extension stickers; conforming cross-references; amending
151 s. 322.19, F.S.; deleting provisions authorizing the use
152 of a change-of-address sticker on a driver's license;
153 conforming cross-references; amending s. 322.21, F.S.;
154 increasing the fees charged for obtaining a new or renewal
155 driver's license or identification card; specifying that a
156 portion of the fees be deposited for use by the
157 department; amending s. 322.2715, F.S.; clarifying that an
158 ignition interlock device is installed for a continuous
159 period; amending s. 322.291, F.S.; imposing additional
160 sanctions against a person who violates requirements with
161 respect to an ignition interlock device; amending s.
162 322.36, F.S.; requiring the suspension for a specified
163 period of the driver's license of a person who loans a
164 vehicle to a person whose driver's license is suspended if
165 that vehicle is involved in an accident resulting in
166 bodily injury or death; repealing s. 322.60, F.S.,
167 relating to a prohibition against possessing more than one
168 driver's license under certain circumstances; amending s.
169 322.61, F.S.; clarifying provisions disqualifying a person
170 from operating a commercial motor vehicle following
171 certain traffic violations; providing for permanent
172 disqualification following conviction of a felony
173 involving the manufacture, distribution, or dispensing of
174 a controlled substance; amending s. 322.64, F.S.;

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175 providing that refusal to submit to a breath, urine, or
176 blood test disqualifies a person from operating a
177 commercial motor vehicle; providing a period of
178 disqualification if a person has an unlawful blood-alcohol
179 or breath-alcohol level; providing for issuance of a
180 notice of disqualification; revising the requirements for
181 a formal review hearing following a person's
182 disqualification from operating a commercial motor
183 vehicle; amending s. 324.021, F.S.; clarifying that a
184 judgment becomes final by expiration of the time for
185 appeal; creating the Automobile Lenders Industry Task
186 Force within the Department of Highway Safety and Motor
187 Vehicles; providing duties of the task force; providing
188 for membership and the election of officers; providing for
189 meetings; providing for reimbursement for travel and per
190 diem expenses for public-sector members; requiring the
191 department to provide administrative support and
192 assistance to the task force; prohibiting the Department
193 of Highway Safety and Motor Vehicles from issuing any new
194 specialty license plates for a specified period; providing
195 an effective date.

196
197 Be It Enacted by the Legislature of the State of Florida:

198
199 Section 1. Section 316.0741, Florida Statutes, is amended
200 to read:

201 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~
202 lanes.--

203 (1) As used in this section, the term:

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204 (a) "High-occupancy-vehicle "~~"High-occupancy vehicle lane"~~
205 or "HOV lane" means a lane of a public roadway designated for use
206 by vehicles in which there is more than one occupant unless
207 otherwise authorized by federal law.

208 (b) "Hybrid vehicle" means a motor vehicle that:

209 1. Draws propulsion energy from onboard sources of stored
210 energy which are both an internal combustion or heat engine using
211 combustible fuel and a rechargeable energy-storage system; and

212 2. In the case of a passenger automobile or light truck,
213 has received a certificate of conformity under the Clean Air Act,
214 42 U.S.C. ss. 7401 et seq., and meets or exceeds the equivalent
215 qualifying California standards for a low-emission vehicle.

216 (2) The number of persons that must be in a vehicle to
217 qualify for legal use of the HOV lane and the hours during which
218 the lane will serve as an HOV lane, if it is not designated as
219 such on a full-time basis, must also be indicated on a traffic
220 control device.

221 (3) Except as provided in subsection (4), a vehicle may not
222 be driven in an HOV lane if the vehicle is occupied by fewer than
223 the number of occupants indicated by a traffic control device. A
224 driver who violates this section shall be cited for a moving
225 violation, punishable as provided in chapter 318.

226 (4) (a) Notwithstanding any other provision of this section,
227 an inherently low-emission vehicle (ILEV) that is certified and
228 labeled in accordance with federal regulations may be driven in
229 an HOV lane at any time, regardless of its occupancy. In
230 addition, upon the state's receipt of written notice from the
231 proper federal regulatory agency authorizing such use, a vehicle

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232 defined as a hybrid vehicle under this section may be driven in
233 an HOV lane at any time, regardless of its occupancy.

234 (b) All eligible hybrid and all other eligible low-emission
235 and energy-efficient vehicles driven in an HOV lane must comply
236 with the minimum fuel economy standards in 23 U.S.C. s.
237 166(f) (3) (B).

238 (c) The eligibility of hybrid and other low-emission and
239 energy-efficient vehicles for operation in an HOV lane regardless
240 of occupancy shall be determined in accordance with the
241 applicable final rule issued by the United State Environmental
242 Protection Agency pursuant to 23 U.S.C. s. 166(e) and shall take
243 effect on the effective date of the rule.

244 (5) The department shall issue a decal and registration
245 certificate, to be renewed annually, reflecting the HOV lane
246 designation on ~~such~~ vehicles meeting the criteria in subsection
247 (4) and authorizing driving in an HOV lane at any time ~~such use~~.
248 The department may charge a fee for a decal, not to exceed the
249 costs of designing, producing, and distributing each decal, or
250 \$5, whichever is less. The proceeds from sale of the decals shall
251 be deposited in the Highway Safety Operating Trust Fund. The
252 department may, for reasons of operation and management of HOV
253 facilities, limit or discontinue issuance of decals for the use
254 of HOV facilities by hybrid, low-emission, and energy-efficient
255 vehicles regardless of occupancy if it has been determined by the
256 Department of Transportation that the facilities are degraded as
257 defined by 23 U.S.C. s. 166(d) (2).

258 (6) Vehicles that have decals by virtue of compliance with
259 the minimum fuel-economy standards under 23 U.S.C. s.
260 166(f) (3) (B), and that are registered for use in high-occupancy

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261 toll lanes or express lanes in accordance with Department of
262 Transportation rule, shall be allowed to use any HOV lanes
263 redesignated as high-occupancy toll lanes or express lanes
264 without payment of a toll.

265 ~~(5) As used in this section, the term "hybrid vehicle"~~
266 ~~means a motor vehicle:~~

267 ~~(a) That draws propulsion energy from onboard sources of~~
268 ~~stored energy which are both:~~

269 ~~1. An internal combustion or heat engine using combustible~~
270 ~~fuel; and~~

271 ~~2. A rechargeable energy storage system; and~~

272 ~~(b) That, in the case of a passenger automobile or light~~
273 ~~truck:~~

274 ~~1. Has received a certificate of conformity under the Clean~~
275 ~~Air Act, 42 U.S.C. ss. 7401 et seq.; and~~

276 ~~2. Meets or exceeds the equivalent qualifying California~~
277 ~~standards for a low-emission vehicle.~~

278 (7)~~(6)~~ The department of Transportation is authorized to
279 may adopt rules necessary to implement and administer this
280 section.

281 Section 2. Subsection (1) of section 316.1575, Florida
282 Statutes, is amended to read:

283 316.1575 Obedience to traffic control devices at railroad-
284 highway grade crossings.--

285 (1) Any person walking or driving a vehicle and approaching
286 a railroad-highway grade crossing under any of the circumstances
287 stated in this section shall stop within 50 feet but not less
288 than 15 feet from the nearest rail of such railroad and shall not

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289 | proceed until he or she can do so safely. The foregoing
290 | requirements apply when:

291 | (a) A clearly visible electric or mechanical signal device
292 | gives warning of the immediate approach of a railroad train;

293 | (b) A crossing gate is lowered or a law enforcement officer
294 | or a human flagger gives or continues to give a signal of the
295 | approach or passage of a railroad train;

296 | (c) An approaching railroad train emits an audible signal
297 | or the railroad train, by reason of its speed or nearness to the
298 | crossing, is an immediate hazard; or

299 | (d) An approaching railroad train is plainly visible and is
300 | in hazardous proximity to the railroad-highway grade crossing,
301 | regardless of the type of traffic control devices installed at
302 | the crossing.

303 | Section 3. Section 316.159, Florida Statutes, is amended to
304 | read:

305 | 316.159 Certain vehicles to stop or slow at all railroad
306 | grade crossings.--

307 | (1) The driver of any motor vehicle carrying passengers for
308 | hire, excluding taxicabs, of any school bus carrying any school
309 | child, or of any vehicle carrying explosive substances or
310 | flammable liquids as a cargo or part of a cargo, before crossing
311 | at grade any track or tracks of a railroad, shall stop such
312 | vehicle within 50 feet but not less than 15 feet from the nearest
313 | rail of the railroad and, while so stopped, shall listen and look
314 | in both directions along the track for any approaching train, and
315 | for signals indicating the approach of a train, except as
316 | hereinafter provided, and shall not proceed until he or she can
317 | do so safely. After stopping as required herein and upon

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318 proceeding when it is safe to do so, the driver of any such
319 vehicle shall cross only in a gear of the vehicle so that there
320 will be no necessity for changing gears while traversing the
321 crossing, and the driver shall not shift gears while crossing the
322 track or tracks.

323 (2) No stop need be made at any such crossing where a
324 police officer, a traffic control signal, or a sign directs
325 traffic to proceed. However, any school bus carrying any school
326 child shall be required to stop unless directed to proceed by a
327 police officer.

328 (3) The driver of a commercial motor vehicle that is not
329 required to stop under subsection (1) or subsection (2) shall,
330 before crossing at grade any track or tracks of a railroad, slow
331 down and check that the tracks are clear of an approaching train.

332 (4)~~(3)~~ A violation of this section is a noncriminal traffic
333 infraction, punishable as a moving violation as provided in
334 chapter 318.

335 Section 4. Effective July 1, 2006, subsection (6) of
336 section 316.1895, Florida Statutes, is amended to read:

337 316.1895 Establishment of school speed zones, enforcement;
338 designation.--

339 (6) Permanent signs designating school zones and school
340 zone speed limits shall be uniform in size and color, and shall
341 have the times during which the restrictive speed limit is
342 enforced clearly designated thereon. Flashing beacons activated
343 by a time clock, or other automatic device, or manually activated
344 may be used as an alternative to posting the times during which
345 the restrictive school speed limit is enforced. Beginning July 1,
346 2008, for any newly established school zone or any school zone in

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347 which the signing has been replaced, a sign stating "Speeding
348 Fines Doubled" shall be installed within the school zone. The
349 Department of Transportation shall establish adequate standards
350 for the signs and flashing beacons.

351 Section 5. Section 316.191, Florida Statutes, is amended to
352 read:

353 316.191 Racing on highways.--

354 (1) As used in this section, the term:

355 (a) "Conviction" means a determination of guilt that is the
356 result of a plea or trial, regardless of whether or not
357 adjudication is withheld.

358 (b) "Drag race" means the operation of two or more motor
359 vehicles in competition, arising from a challenge to demonstrate
360 superiority of a motor vehicle or driver and the acceptance or
361 competitive response to that challenge, either through a prior
362 arrangement or in immediate response, from a point side by side
363 at accelerating speeds in a competitive attempt to outdistance
364 each other, or the operation of one or more motor vehicles over a
365 common selected course, from the same point to the same point,
366 for the purpose of comparing the relative speeds or power of
367 acceleration of such motor vehicle or motor vehicles within a
368 certain distance or time limit. A drag race may be prearranged or
369 may occur through a competitive response to conduct on the part
370 of one or more drivers which, under the totality of the
371 circumstances, can reasonably be interpreted as a challenge to
372 participate in a drag race.

373 (c) "Exhibition of acceleration" means the use of a motor
374 vehicle in a demonstration to another person or persons,
375 including, but not limited to, any passenger of such motor

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376 vehicle or the driver or passenger of another motor vehicle, of
377 the motor vehicle's ability to accelerate by a sudden increase in
378 speed causing a tire to lose firm traction with, or burn, smoke,
379 or squeal against, the road surface which results in the
380 vehicle's continuous acceleration to a final speed that exceeds
381 the posted or lawful speed limit.

382 (d) "Exhibition of speed" means the use of a motor vehicle
383 in a demonstration to another person or persons, including, but
384 not limited to, any passenger of such motor vehicle or the driver
385 or passenger of another motor vehicle, of the motor vehicle's
386 speed or handling capabilities at a speed of at least double the
387 posted or lawful speed limit or 100 miles per hour, whichever is
388 less.

389 (e) ~~(e)~~ "Race Racing" means the use of one or more motor
390 vehicles in competition, arising from a challenge to demonstrate
391 superiority of a motor vehicle or driver and the acceptance or
392 competitive response to that challenge, either through a prior
393 arrangement or in immediate response, in which the competitor
394 attempts ~~an attempt~~ to outgain or outdistance another motor
395 vehicle, to prevent another motor vehicle from passing, to arrive
396 at a given destination ahead of another motor vehicle or motor
397 vehicles, or to test the physical stamina or endurance of drivers
398 over long-distance driving routes. A race may be prearranged or
399 may occur through a competitive response to conduct on the part
400 of one or more drivers which, under the totality of the
401 circumstances, can reasonably be interpreted as a challenge to
402 race.

403 (f) "Spectator" means any person who is knowingly present
404 at and views an illegal race, drag race, or exhibition when such

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405 presence is the result of an affirmative choice to attend or
406 participate in the race or exhibition. For purposes of
407 determining whether or not an individual is a spectator, finders
408 of fact shall consider the relationship between the racer and the
409 individual, evidence of gambling or betting on the outcome of the
410 race, and any other factor that would tend to show knowing
411 attendance or participation.

412 (2) (a) A person operating or in actual physical control of
413 a motor vehicle, including any motorcycle, on any street or
414 highway or publicly accessible parking lot may not:

415 1. ~~Drive any motor vehicle, including any motorcycle, in~~
416 ~~any race;~~

417 2. ~~Drive in any speed competition or contest, drag race; or~~
418 ~~acceleration contest, test of physical endurance, or~~

419 3. Drive in any exhibition of speed; or

420 4. Drive in any exhibition of acceleration. ~~or for the~~
421 ~~purpose of making a speed record on any highway, roadway, or~~
422 ~~parking lot;~~

423 (b) A person may not:

424 1.2. ~~In any manner knowingly participate in, coordinate,~~
425 ~~facilitate, or collect moneys at any location for any such race,~~
426 ~~drag race competition, contest, test, or exhibition prohibited~~
427 ~~under paragraph (a);~~

428 2.3. ~~Knowingly ride as a passenger in any such race, drag~~
429 ~~race competition, contest, test, or exhibition prohibited under~~
430 ~~paragraph (a); or~~

431 3.4. Knowingly Purposefully cause the movement of traffic
432 to slow or stop for any such race, drag race competition,
433 contest, test, or exhibition prohibited under paragraph (a).

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434 (c) A person may not be a spectator at any such race, drag
435 race, or exhibition prohibited under paragraph (a). A vehicle
436 parked or operated in near proximity to any such race, drag race,
437 or exhibition under circumstances suggesting that the driver or
438 operator of such vehicle is a spectator creates a rebuttable
439 presumption that the registered owner of the vehicle is a
440 spectator for all purposes of this section.

441 (3) (a) Any person who violates any provision of ~~this~~
442 paragraph (2) (a) or paragraph (2) (b) commits a misdemeanor of the
443 second ~~first~~ degree, punishable as provided in s. 775.082 or s.
444 775.083. Any person who violates any provision of ~~this~~ paragraph
445 (2) (a) or paragraph (2) (b) shall pay a fine of not less than \$250
446 \$500 and not more than \$500 ~~\$1,000~~, and the court shall revoke
447 the driver's license of a person so convicted for 2 years
448 regardless of whether or not adjudication is withheld and the
449 department shall revoke the driver license of a person so
450 convicted for 1 year. A hearing may be requested pursuant to s.
451 322.271.

452 (b) Any person who violates the provisions of paragraph
453 (2) (c) commits a noncriminal violation, punishable as provided in
454 s. 775.083, and must be cited to appear before a county judge for
455 disposition of the violation. Any person who violates the
456 provisions of paragraph (2) (c) shall pay a fine of not less than
457 \$250 and not more than \$500.

458 (c) ~~(b)~~ Any person who violates any provision of paragraph
459 (2) (a) or paragraph (2) (b) within 5 years after the date of a
460 prior violation that resulted in a conviction for a violation of
461 paragraph (2) (a) or paragraph (2) (b) ~~this subsection~~ commits a
462 misdemeanor of the first degree, punishable as provided in s.

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463 775.082 or s. 775.083, and shall pay a fine of not less than \$500
464 and not more than \$1,000. In any second or subsequent conviction,
465 the court may not withhold adjudication of guilt and shall revoke
466 the driver's license of that person for 5 years. ~~The department~~
467 ~~shall also revoke the driver license of that person for 2 years.~~
468 A hearing may be requested pursuant to s. 322.271.

469 (d) Any person who violates any provision of paragraph
470 (2) (a) or paragraph (2) (b) and by reason of such violation causes
471 or in any way contributes to causing damage to the property or
472 person of another commits a misdemeanor of the first degree,
473 punishable as provided in s. 775.082 or s. 775.083, and shall pay
474 a fine of not less than \$500 and not more than \$1,000, and the
475 court shall revoke the driver's license of a person so convicted
476 for 2 years regardless of whether or not adjudication is
477 withheld. A hearing may be requested pursuant to s. 322.271.

478 (e) Any person who violates any provision of paragraph
479 (2) (a) or paragraph (2) (b) and by reason of such violation causes
480 or in any way contributes to causing serious bodily injury to
481 another, as defined in s. 316.1933, commits a felony of the third
482 degree, punishable as provided in s. 775.082, s. 775.083, or s.
483 775.084, and shall pay a fine of not less than \$1,000.

484 (f) Any person who violates any provision of paragraph
485 (2) (a) or paragraph (2) (b) and by reason of such violation causes
486 or in any way contributes to causing the death of any human being
487 or unborn quick child commits the crime of racing manslaughter.
488 In any conviction under this paragraph, the court may not
489 withhold adjudication of guilt and shall permanently revoke the
490 driver's license of a person so convicted. A hearing may be
491 requested pursuant to s. 322.271. A person so convicted commits:

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492 1. A felony of the second degree, punishable as provided in
493 s. 775.082, s. 775.083, or s. 775.084, and shall pay a fine of
494 not less than \$5,000; or

495 2. A felony of the first degree, punishable as provided in
496 s. 775.082, s. 775.083, or s. 775.084, and shall pay a fine of
497 not less than \$5,000, if:

498 a. At the time of the crash, the person knew, or should
499 have known, that the crash occurred; and

500 b. The person failed to give information and render aid as
501 required by s. 316.062.

502
503 For purposes of this paragraph, the definition of the term
504 "unborn quick child" shall be determined in accordance with the
505 definition of viable fetus as set forth in s. 782.071. A person
506 who is convicted of racing manslaughter shall be sentenced to a
507 mandatory minimum term of imprisonment of 4 years.

508 (4) ~~(e)~~ In any case charging a violation of paragraph (2) (a)
509 or paragraph (2) (b), the court shall be provided a copy of the
510 driving record of the person charged and may obtain any records
511 from any other source to determine if one or more prior
512 convictions of the person for violation of paragraph (2) (a) or
513 paragraph (2) (b) have occurred within 5 years prior to the
514 charged offense; however, at trial, proof of such prior
515 conviction must be made by certified copy of any prior judgment
516 of conviction or judgment withholding adjudication of guilt.

517 (5) (a) ~~(3)~~ Whenever a law enforcement officer determines
518 that a person has committed a violation of paragraph (2) (a) or
519 paragraph (2) (b) was engaged in a drag race or race, as described
520 in subsection (1), the officer may immediately arrest and take

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521 such person into custody, consistent with constitutional
522 requirements, regardless of whether or not the offense was
523 committed in the presence of the officer or whether the officer's
524 determination is based upon information provided by anonymous
525 tipsters, citizen informants, or any other source. The court may
526 enter an order of impoundment or immobilization as a condition of
527 incarceration or probation. Within 7 business days after the date
528 the court issues the order of impoundment or immobilization, the
529 clerk of the court must send notice by certified mail, return
530 receipt requested, to the registered owner of the motor vehicle,
531 if the registered owner is a person other than the defendant, and
532 to each person of record claiming a lien against the motor
533 vehicle.

534 (b) A law enforcement officer who determines that, in
535 accordance with the provisions of paragraph (2)(c), the driver of
536 a motor vehicle parked or operated in near proximity to any such
537 race, drag race, or exhibition is a spectator, the officer may
538 file a uniform traffic citation with the clerk of court of the
539 jurisdiction wherein the offense was committed charging the
540 registered owner of such vehicle with the proscribed offense. The
541 clerk shall issue a notice to appear to the registered owner's
542 last known address maintained by the department and shall
543 schedule a mandatory court appearance before a county judge
544 within 30 days after the filing of the citation. The failure of
545 such person to appear as required or to comply with any fine
546 imposed under this paragraph shall be subject to the procedures
547 of s. 318.15 governing failures to appear or to pay. An officer
548 may use any photographic or recording equipment in determining
549 the tag number or registered owner of any vehicle pursuant to

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550 this paragraph.

551 (c)~~(a)~~ Notwithstanding any provision of law to the
552 contrary, the impounding agency shall release a motor vehicle
553 under the conditions provided in s. 316.193(6) (e) and~~(f)~~~~(g)~~~~(h)~~,
554 if the owner or agent presents a valid driver license at
555 the time of pickup of the motor vehicle.

556 (d)~~(b)~~ All costs and fees for the impoundment or
557 immobilization, including the cost of notification, must be paid
558 by the owner of the motor vehicle or, if the motor vehicle is
559 leased or rented, by the person leasing or renting the motor
560 vehicle, unless the impoundment or immobilization order is
561 dismissed. All provisions of s. 713.78 shall apply.

562 (e)~~(e)~~ Any motor vehicle used in violation of subsection
563 (2) may be impounded for a period of 30~~40~~ business days if a law
564 enforcement officer has arrested and taken a person into custody
565 pursuant to this subsection ~~and the person being arrested is the~~
566 ~~registered owner or coowner of the motor vehicle.~~ If the
567 arresting officer finds that the criteria of this paragraph are
568 met, the officer may immediately impound the motor vehicle. The
569 law enforcement officer shall notify the Department of Highway
570 Safety and Motor Vehicles of any impoundment for violation of
571 this subsection in accordance with procedures established by the
572 department. The provisions of paragraphs (c)~~(a)~~ and (d)~~(b)~~
573 shall be applicable to such impoundment.

574 (6)~~(4)~~ Any motor vehicle used in violation of subsection
575 (2) ~~by any person within 5 years after the date of a prior~~
576 ~~conviction of that person for a violation under subsection (2)~~
577 may be seized and forfeited as provided by the Florida Contraband
578 Forfeiture Act. This subsection shall be applicable to all owners

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579 of the motor vehicle who are charged with a criminal violation of
580 subsection (2) or who negligently entrusted their vehicle to the
581 person charged with a criminal violation of subsection (2), and
582 the Florida Contraband Forfeiture Act applies regardless of
583 whether or not the violation is a misdemeanor or felony. The
584 element of negligent entrustment is satisfied if the owner of a
585 motor vehicle entrusts his or her vehicle to a person knowing
586 that such person has previously been cited or charged with any
587 violation of this section, whether or not such charge or citation
588 resulted in a conviction ~~only be applicable if the owner of the~~
589 ~~motor vehicle is the person charged with violation of subsection~~
590 ~~(2).~~

591 (7)~~(5)~~ This section does not apply to licensed or duly
592 authorized racetracks, drag strips, or other designated areas set
593 aside by proper authorities for such purposes.

594 (8) If any provision of this section is deemed
595 unconstitutional by any court, such unconstitutional provision
596 shall be deemed severable and such determination shall not affect
597 the enforceability of all remaining constitutional provisions of
598 this section.

599 Section 6. Subsection (4) of section 316.193, Florida
600 Statutes, is amended to read:

601 316.193 Driving under the influence; penalties.--

602 (4) Any person who is convicted of a violation of
603 subsection (1) and who has a blood-alcohol level or breath-
604 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
605 convicted of a violation of subsection (1) and who at the time of
606 the offense was accompanied in the vehicle by a person under the
607 age of 18 years, shall be punished:

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608 (a) By a fine of:

609 1. Not less than \$500 or more than \$1,000 for a first
610 conviction.

611 2. Not less than \$1,000 or more than \$2,000 for a second
612 conviction.

613 3. Not less than \$2,000 for a third or subsequent
614 conviction.

615 (b) By imprisonment for:

616 1. Not more than 9 months for a first conviction.

617 2. Not more than 12 months for a second conviction.

618

619 For the purposes of this subsection, only the instant offense is
620 required to be a violation of subsection (1) by a person who has
621 a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or
622 higher.

623 (c) In addition to the penalties in paragraphs (a) and (b),
624 the court shall order the mandatory placement, at the convicted
625 person's sole expense, of an ignition interlock device approved
626 by the department in accordance with s. 316.1938 upon all
627 vehicles that are individually or jointly leased or owned and
628 routinely operated by the convicted person for up to 6 months for
629 the first offense and for at least 2 years for a second offense,
630 when the convicted person qualifies for a permanent or restricted
631 license. The installation of such device may not occur before
632 July 1, 2003.

633 Section 7. Subsection (1) of section 316.1937, Florida
634 Statutes, is amended to read:

635 316.1937 Ignition interlock devices, requiring; unlawful
636 acts.--

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637 (1) In addition to any other authorized penalties, the
638 court may require that any person who is convicted of driving
639 under the influence in violation of s. 316.193 shall not operate
640 a motor vehicle unless that vehicle is equipped with a
641 functioning ignition interlock device certified by the department
642 as provided in s. 316.1938, and installed in such a manner that
643 the vehicle will not start if the operator's blood alcohol level
644 is in excess of 0.05 percent or as otherwise specified by the
645 court. The court may require the use of an approved ignition
646 interlock device for a period of not less than 6 continuous
647 months, if the person is permitted to operate a motor vehicle,
648 whether or not the privilege to operate a motor vehicle is
649 restricted, as determined by the court. The court, however, shall
650 order placement of an ignition interlock device in those
651 circumstances required by s. 316.193.

652 Section 8. Section 316.29545, Florida Statutes, is amended
653 to read:

654 316.29545 Window sunscreening exclusions; medical
655 exemption; certain law enforcement vehicles exempt; certain
656 investigative vehicles exempt.--

657 (1) The department shall issue medical exemption
658 certificates to persons who are afflicted with Lupus or similar
659 medical conditions which require a limited exposure to light,
660 which certificates shall entitle the person to whom the
661 certificate is issued to have suncreening material on the
662 windshield, side windows, and windows behind the driver which is
663 in violation of the requirements of ss. 316.2951-316.2957. The
664 department shall provide, by rule, for the form of the medical
665 certificate authorized by this section. At a minimum, the medical

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666 exemption certificate shall include a vehicle description with
667 the make, model, year, vehicle identification number, medical
668 exemption decal number issued for the vehicle, and the name of
669 the person or persons who are the registered owners of the
670 vehicle. A medical exemption certificate shall be nontransferable
671 and shall become null and void upon the sale or transfer of the
672 vehicle identified on the certificate.

673 (2) (a) The department shall exempt all law enforcement
674 vehicles used in undercover or canine operations from the window
675 sunscreening requirements of ss. 316.2951-316.2957.

676 (b) The department shall exempt from the suncreening
677 requirements of ss. 316.2953, 316.2954, and 316.2956 all vehicles
678 owned or leased by investigative agencies licensed pursuant to
679 chapter 493 and used in homeland security functions on behalf of
680 federal, state, or local authorities; executive protection
681 activities; undercover, covert, or surveillance operations in
682 cases involving child abductions, convicted sex offenders,
683 insurance fraud, or missing persons or property; or other
684 activities in which evidence is being obtained for civil or
685 criminal proceedings.

686 (3) The department may charge a fee in an amount sufficient
687 to defray the expenses of issuing a medical exemption certificate
688 as described in subsection (1).

689 Section 9. Subsections (1), (6), and (8) of section
690 316.302, Florida Statutes, are amended to read:

691 316.302 Commercial motor vehicles; safety regulations;
692 transporters and shippers of hazardous materials; enforcement.--

693 (1) (a) All owners and drivers of commercial motor vehicles
694 that are operated on the public highways of this state while

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695 engaged in interstate commerce are subject to the rules and
696 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

697 (b) Except as otherwise provided in this section, all
698 owners or drivers of commercial motor vehicles that are engaged
699 in intrastate commerce are subject to the rules and regulations
700 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
701 exception of 49 C.F.R. s. 390.5 as it relates to the definition
702 of bus, as such rules and regulations existed on October 1, 2008
703 ~~2005~~.

704 (c) Except as provided in s. 316.215(5), and except as
705 provided in s. 316.228 for rear overhang lighting and flagging
706 requirements for intrastate operations, the requirements of this
707 section supersede all other safety requirements of this chapter
708 for commercial motor vehicles.

709 (6) The state Department of Transportation shall perform
710 the duties that are assigned to the field administrator of the
711 Federal Motor Carrier Safety Administration ~~Regional Federal~~
712 ~~Highway Administrator~~ under the federal rules, and an agent of
713 that department, as described in s. 316.545(9), may enforce those
714 rules.

715 (8) For the purpose of enforcing this section, any law
716 enforcement officer of the Department of Transportation or duly
717 appointed agent who holds a current safety inspector
718 certification from the Commercial Vehicle Safety Alliance may
719 require the driver of any commercial vehicle operated on the
720 highways of this state to stop and submit to an inspection of the
721 vehicle or the driver's records. If the vehicle or driver is
722 found to be operating in an unsafe condition, or if any required
723 part or equipment is not present or is not in proper repair or

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724 adjustment, and the continued operation would present an unduly
725 hazardous operating condition, the officer may require the
726 vehicle or the driver to be removed from service pursuant to the
727 North American Standard ~~Uniform~~ Out-of-Service Criteria, until
728 corrected. However, if continuous operation would not present an
729 unduly hazardous operating condition, the officer may give
730 written notice requiring correction of the condition within 14
731 days.

732 (a) Any member of the Florida Highway Patrol or any law
733 enforcement officer employed by a sheriff's office or municipal
734 police department authorized to enforce the traffic laws of this
735 state pursuant to s. 316.640 who has reason to believe that a
736 vehicle or driver is operating in an unsafe condition may, as
737 provided in subsection (10), enforce the provisions of this
738 section.

739 (b) Any person who fails to comply with an officer's
740 request to submit to an inspection under this subsection commits
741 a violation of s. 843.02 if the person resists the officer
742 without violence or a violation of s. 843.01 if the person
743 resists the officer with violence.

744 Section 10. Section 316.3045, Florida Statutes, is amended
745 to read:

746 316.3045 Operation of radios or other mechanical
747 soundmaking devices or instruments in vehicles; exemptions.--

748 (1) It is unlawful for any person operating or occupying a
749 motor vehicle on a street or highway to operate or amplify the
750 sound produced by a radio, tape player, or other mechanical
751 soundmaking device or instrument from within the motor vehicle so
752 that the sound is:

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753 (a) Plainly audible at a distance of 25 feet or more from
754 the motor vehicle; or

755 (b) Louder than necessary for the convenient hearing by
756 persons inside the vehicle in areas adjoining churches, schools,
757 or hospitals.

758 (2) The provisions of this section do ~~shall~~ not apply to
759 any law enforcement motor vehicle equipped with any communication
760 device necessary in the performance of law enforcement duties or
761 to any emergency vehicle equipped with any communication device
762 necessary in the performance of any emergency procedures.

763 (3) The provisions of this section do not apply to motor
764 vehicles used for business or political purposes, which in the
765 normal course of conducting such business use soundmaking
766 devices. The provisions of this subsection shall not be deemed to
767 prevent local authorities, with respect to streets and highways
768 under their jurisdiction and within the reasonable exercise of
769 the police power, from regulating the time and manner in which
770 such business may be operated.

771 (4) The provisions of this section do not apply to the
772 noise made by a horn or other warning device required or
773 permitted by s. 316.271. The Department of Highway Safety and
774 Motor Vehicles shall adopt ~~promulgate~~ rules defining "plainly
775 audible" and establish standards regarding how sound should be
776 measured by law enforcement personnel who enforce the provisions
777 of this section.

778 (5) A violation of this section is a noncriminal traffic
779 infraction, punishable as a nonmoving violation as provided in
780 chapter 318.

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781 (6) In addition to any fine administered under subsection
782 (5), a person convicted of a violation of this section shall also
783 pay:

784 (a) Upon the 10th or subsequent conviction, a fine of not
785 less than \$250 but not more than \$500.

786 (b) Upon the 20th or subsequent conviction, the motor
787 vehicle shall constitute contraband and is subject to forfeiture
788 by a seizing law enforcement agency pursuant to applicable
789 provisions of ss. 932.701-932.704.

790 Section 11. Subsection (2) of section 316.613, Florida
791 Statutes, is amended to read:

792 316.613 Child restraint requirements.--

793 (2) As used in this section, the term "motor vehicle" means
794 a motor vehicle as defined in s. 316.003 which ~~that~~ is operated
795 on the roadways, streets, and highways of the state. The term
796 does not include:

797 (a) A school bus as defined in s. 316.003(45).

798 (b) A bus used for the transportation of persons for
799 compensation, other than a bus regularly used to transport
800 children to or from school, as defined in s. 316.615(1)(b), or in
801 conjunction with school activities.

802 (c) A farm tractor or implement of husbandry.

803 (d) A truck having a gross vehicle weight rating of more
804 than 26,000 ~~of net weight of more than 5,000~~ pounds.

805 (e) A motorcycle, moped, or bicycle.

806 Section 12. Paragraph (a) of subsection (3) of section
807 316.614, Florida Statutes, is amended to read:

808 316.614 Safety belt usage.--

809 (3) As used in this section:

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810 (a) "Motor vehicle" means a motor vehicle as defined in s.
811 316.003 which ~~that~~ is operated on the roadways, streets, and
812 highways of this state. The term does not include:

813 1. A school bus.

814 2. A bus used for the transportation of persons for
815 compensation.

816 3. A farm tractor or implement of husbandry.

817 4. A truck having a gross vehicle weight rating of more
818 than 26,000 ~~of a net weight of more than 5,000~~ pounds.

819 5. A motorcycle, moped, or bicycle.

820 Section 13. Section 316.645, Florida Statutes, is amended
821 to read:

822 316.645 Arrest authority of officer at scene of a traffic
823 crash.--A police officer who makes an investigation at the scene
824 of a traffic crash may arrest any driver of a vehicle involved in
825 the crash when, based upon personal investigation, the officer
826 has reasonable and probable grounds to believe that the person
827 has committed any offense under the provisions of this chapter,
828 chapter 320, or chapter 322 in connection with the crash.

829 Section 14. Subsections (1), (3), (4), (5), (6), and (7) of
830 section 316.650, Florida Statutes, are amended to read:

831 316.650 Traffic citations.--

832 (1)(a) The department shall prepare, and supply to every
833 traffic enforcement agency in this state, an appropriate form
834 traffic citation that contains ~~containing~~ a notice to appear, is
835 ~~(which shall be issued in prenumbered books, meets with citations~~
836 ~~in quintuplicate) and meeting~~ the requirements of this chapter or
837 any laws of this state regulating traffic, and is ~~which form~~
838 ~~shall be~~ consistent with the state traffic court rules and the

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839 | procedures established by the department. The form shall include
840 | a box that ~~which~~ is to be checked by the law enforcement officer
841 | when the officer believes that the traffic violation or crash was
842 | due to aggressive careless driving as defined in s. 316.1923. The
843 | form shall also include a box that ~~which~~ is to be checked by the
844 | law enforcement officer when the officer writes a uniform traffic
845 | citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
846 | as a result of the driver failing to stop at a traffic signal.

847 | (b) The department shall prepare, and supply to every
848 | traffic enforcement agency in the state, an appropriate
849 | affidavit-of-compliance form that ~~which~~ shall be issued along
850 | with the form traffic citation for any violation of s. 316.610
851 | and that indicates ~~which shall indicate~~ the specific defect
852 | needing ~~which needs~~ to be corrected. However, such affidavit of
853 | compliance shall not be issued in the case of a violation of s.
854 | 316.610 by a commercial motor vehicle as defined in s.
855 | 316.003(66). Such affidavit-of-compliance form shall be
856 | distributed in the same manner and to the same parties as is the
857 | form traffic citation.

858 | (c) Notwithstanding paragraphs (a) and (b), a traffic
859 | enforcement agency may produce uniform traffic citations by
860 | electronic means. Such citations must be consistent with the
861 | state traffic court rules and the procedures established by the
862 | department and ~~+~~ must be appropriately numbered and inventoried~~+~~
863 | ~~and may have fewer copies than the quintuplicate form.~~ Affidavit-
864 | of-compliance forms may also be produced by electronic means.

865 | (d) The department must distribute to every traffic
866 | enforcement agency and to any others who request it, a traffic
867 | infraction reference guide describing the class of the traffic

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868 | infraction, the penalty for the infraction, the points to be
869 | assessed on a driver's record license, and any other information
870 | necessary to describe a violation and the penalties therefor.

871 | (3) (a) Except for a traffic citation issued pursuant to s.
872 | 316.1001, each traffic enforcement officer, upon issuing a
873 | traffic citation to an alleged violator of any provision of the
874 | motor vehicle laws of this state or of any traffic ordinance of
875 | any municipality ~~city~~ or town, shall deposit the original ~~and one~~
876 | ~~copy of such~~ traffic citation or, in the case of a traffic
877 | enforcement agency that ~~which~~ has an automated citation issuance
878 | system, the chief administrative officer shall provide by an
879 | electronic transmission a replica of the citation data to
880 | ~~facsimile with~~ a court having jurisdiction over the alleged
881 | offense or with its traffic violations bureau within 5 days after
882 | issuance to the violator.

883 | (b) If a traffic citation is issued pursuant to s.
884 | 316.1001, a traffic enforcement officer may deposit the original
885 | ~~and one copy of such~~ traffic citation or, in the case of a
886 | traffic enforcement agency that has an automated citation system,
887 | may provide by an electronic transmission a replica of the
888 | citation data to ~~facsimile with~~ a court having jurisdiction over
889 | the alleged offense or with its traffic violations bureau within
890 | 45 days after the date of issuance of the citation to the
891 | violator. If the person cited for the violation of s. 316.1001
892 | makes the election provided by s. 318.14(12) and pays the \$25
893 | fine, or such other amount as imposed by the governmental entity
894 | owning the applicable toll facility, plus the amount of the
895 | unpaid toll that is shown on the traffic citation directly to the
896 | governmental entity that issued the citation, or on whose behalf

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897 | the citation was issued, in accordance with s. 318.14(12), the
898 | traffic citation will not be submitted to the court, the
899 | disposition will be reported to the department by the
900 | governmental entity that issued the citation, or on whose behalf
901 | the citation was issued, and no points will be assessed against
902 | the person's driver's license.

903 | (4) The chief administrative officer of every traffic
904 | enforcement agency shall require the return to him or her ~~of the~~
905 | officer-agency department record copy of every traffic citation
906 | issued by an officer under the chief administrative officer's
907 | supervision to an alleged violator of any traffic law or
908 | ordinance and ~~of~~ all copies of every traffic citation that ~~which~~
909 | has been spoiled or upon which any entry has been made and not
910 | issued to an alleged violator. In the case of a traffic
911 | enforcement agency that ~~which~~ has an automated citation issuance
912 | system, the chief administrative officer shall require the return
913 | of all electronic traffic citation records.

914 | (5) Upon the deposit of the original ~~and one copy of such~~
915 | traffic citation or upon ~~deposit of~~ an electronic transmission of
916 | a replica of citation data ~~facsimile~~ of the traffic citation with
917 | respect to traffic enforcement agencies that ~~which~~ have an
918 | automated citation issuance system with a court having
919 | jurisdiction over the alleged offense or with its traffic
920 | violations bureau ~~as aforesaid~~, the original citation, the
921 | electronic citation containing a replica of citation data
922 | ~~facsimile~~, or a copy of such traffic citation may be disposed of
923 | only by trial in the court or other official action by a judge of
924 | the court, including forfeiture of the bail, or by the deposit of
925 | sufficient bail with, or payment of a fine to, the traffic

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926 | violations bureau by the person to whom such traffic citation has
927 | been issued by the traffic enforcement officer.

928 | (6) The chief administrative officer shall transmit, on a
929 | form approved by the department, ~~the department record copy of~~
930 | ~~the uniform traffic citation to the department~~ within 5 days
931 | after submission of the original, groups of issued citations and
932 | ~~one copy to the court, or citation~~ and transmittal data to the
933 | court. Batches of electronic citations containing a replica of
934 | citation data may be transmitted to the court ~~department~~ in an
935 | electronic ~~automated~~ fashion, in a format ~~form~~ prescribed by the
936 | department within 5 days after issuance to the violator. ~~A copy~~
937 | ~~of such transmittal shall also be provided to the court having~~
938 | ~~jurisdiction for accountability purposes.~~

939 | (7) The chief administrative officer shall also maintain or
940 | cause to be maintained in connection with every traffic citation
941 | issued by an officer under his or her supervision a record of the
942 | disposition of the charge by the court or its traffic violations
943 | bureau in which the original or copy of the traffic citation or
944 | electronic citation was deposited.

945 | Section 15. Paragraph (a) of subsection (2) of section
946 | 316.656, Florida Statutes, is amended to read:

947 | 316.656 Mandatory adjudication; prohibition against
948 | accepting plea to lesser included offense.--

949 | (2) (a) No trial judge may accept a plea of guilty to a
950 | lesser offense from a person charged under the provisions of this
951 | act who has been given a breath or blood test to determine blood
952 | or breath alcohol content, the results of which show a blood or
953 | breath alcohol content by weight of 0.15 ~~0.20~~ percent or more.

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954 Section 16. Subsection (12) is added to section 319.001,
955 Florida Statutes, to read:

956 319.001 Definitions.--As used in this chapter, the term:
957 (12) "Certificate of title" means the record that is
958 evidence of ownership of a vehicle, whether a paper certificate
959 authorized by the department or a certificate consisting of
960 information that is stored in an electronic form in the
961 department's database.

962 Section 17. Section 320.0706, Florida Statutes, is amended
963 to read:

964 320.0706 Display of license plates on trucks.--The owner of
965 any commercial truck of gross vehicle weight of 26,001 pounds or
966 more shall display the registration license plate on both the
967 front and rear of the truck in conformance with all the
968 requirements of s. 316.605 that do not conflict with this
969 section. The owner of a dump truck may place the rear license
970 plate on the gate no higher than 60 inches to allow for better
971 visibility. However, the owner of a truck tractor shall ~~be~~
972 ~~required to~~ display the registration license plate only on the
973 front of such vehicle. A violation of this section is a moving
974 violation punishable as provided in chapter 318.

975 Section 18. Subsection (4) of section 320.0715, Florida
976 Statutes, is amended to read:

977 320.0715 International Registration Plan; motor carrier
978 services; permits; retention of records.--

979 (4) Each motor carrier registered under the International
980 Registration Plan shall maintain and keep, for a period of 4
981 years, pertinent records and papers as may be required by the
982 department for the reasonable administration of this chapter.

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983 (a) The department shall withhold the registration and
984 license plate for a commercial motor vehicle unless the
985 identifying number issued by the federal agency responsible for
986 motor carrier safety is provided for the motor carrier and the
987 entity responsible for motor carrier safety for each motor
988 vehicle as part of the application process.

989 (b) The department may not issue a commercial motor vehicle
990 registration or license plate to, and may not transfer the
991 commercial motor vehicle registration or license plate for, a
992 motor carrier or vehicle owner who has been prohibited from
993 operating by a federal or state agency responsible for motor
994 carrier safety.

995 (c) The department, with notice, shall suspend any
996 commercial motor vehicle registration and license plate issued to
997 a motor carrier or vehicle owner who has been prohibited from
998 operating by a federal or state agency responsible for motor
999 carrier safety.

1000 Section 19. Subsection (27) of section 320.01, Florida
1001 Statutes, is amended to read:

1002 320.01 Definitions, general.--As used in the Florida
1003 Statutes, except as otherwise provided, the term:

1004 (27) "Motorcycle" means any motor vehicle having a seat or
1005 saddle for the use of the rider and designed to travel on not
1006 more than three wheels in contact with the ground, but excluding
1007 a tractor, ~~or~~ a moped, or a vehicle where the operator is
1008 enclosed by a cabin.

1009 Section 20. Effective July 1, 2008, subsection (1) of
1010 section 320.02, Florida Statutes, as amended by section 28 of
1011 chapter 2006-290, Laws of Florida, is amended to read:

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1012 (1) Except as otherwise provided in this chapter, every
1013 owner or person in charge of a motor vehicle that is operated or
1014 driven on the roads of this state shall register the vehicle in
1015 this state. The owner or person in charge shall apply to the
1016 department or to its authorized agent for registration of each
1017 such vehicle on a form prescribed by the department. ~~Prior to the~~
1018 ~~original registration of a motorcycle, motor-driven cycle, or~~
1019 ~~moped, the owner, if a natural person, must present proof that he~~
1020 ~~or she has a valid motorcycle endorsement as required in chapter~~
1021 ~~322.~~ A registration is not required for any motor vehicle that is
1022 not operated on the roads of this state during the registration
1023 period.

1024 Section 21. Subsection (13) of section 320.02, Florida
1025 Statutes, is repealed.

1026 Section 22. Subsection (3) of section 320.08053, Florida
1027 Statutes, is repealed.

1028 Section 23. Subsection (3) of section 320.27, Florida
1029 Statutes, is amended to read:

1030 320.27 Motor vehicle dealers.--

1031 (3) APPLICATION AND FEE.--The application for the license
1032 shall be in such form as may be prescribed by the department and
1033 shall be subject to such rules with respect thereto as may be so
1034 prescribed by it. Such application shall be verified by oath or
1035 affirmation and shall contain a full statement of the name and
1036 birth date of the person or persons applying therefor; the name
1037 of the firm or copartnership, with the names and places of
1038 residence of all members thereof, if such applicant is a firm or
1039 copartnership; the names and places of residence of the principal
1040 officers, if the applicant is a body corporate or other

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1041 artificial body; the name of the state under whose laws the
1042 corporation is organized; the present and former place or places
1043 of residence of the applicant; and prior business in which the
1044 applicant has been engaged and the location thereof. Such
1045 application shall describe the exact location of the place of
1046 business and shall state whether the place of business is owned
1047 by the applicant and when acquired, or, if leased, a true copy of
1048 the lease shall be attached to the application. The applicant
1049 shall certify that the location provides an adequately equipped
1050 office and is not a residence; that the location affords
1051 sufficient unoccupied space upon and within which adequately to
1052 store all motor vehicles offered and displayed for sale; and that
1053 the location is a suitable place where the applicant can in good
1054 faith carry on such business and keep and maintain books,
1055 records, and files necessary to conduct such business, which will
1056 be available at all reasonable hours to inspection by the
1057 department or any of its inspectors or other employees. The
1058 applicant shall certify that the business of a motor vehicle
1059 dealer is the principal business which shall be conducted at that
1060 location. Such application shall contain a statement that the
1061 applicant is either franchised by a manufacturer of motor
1062 vehicles, in which case the name of each motor vehicle that the
1063 applicant is franchised to sell shall be included, or an
1064 independent (nonfranchised) motor vehicle dealer. Such
1065 application shall contain such other relevant information as may
1066 be required by the department, including evidence that the
1067 applicant is insured under a ~~garage~~ liability insurance policy,
1068 which shall include, at a minimum, \$25,000 combined single-limit
1069 liability coverage including bodily injury and property damage

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1070 protection and \$10,000 personal injury protection. Such policy
1071 shall be for the license period, and evidence of a new or
1072 continued policy shall be delivered to the department at the
1073 beginning of each license period. Upon making such initial
1074 application, the person applying therefor shall pay to the
1075 department a fee of \$300 in addition to any other fees now
1076 required by law; upon making a subsequent renewal application,
1077 the person applying therefor shall pay to the department a fee of
1078 \$75 in addition to any other fees now required by law. Upon
1079 making an application for a change of location, the person shall
1080 pay a fee of \$50 in addition to any other fees now required by
1081 law. The department shall, in the case of every application for
1082 initial licensure, verify whether certain facts set forth in the
1083 application are true. Each applicant, general partner in the case
1084 of a partnership, or corporate officer and director in the case
1085 of a corporate applicant, must file a set of fingerprints with
1086 the department for the purpose of determining any prior criminal
1087 record or any outstanding warrants. The department shall submit
1088 the fingerprints to the Department of Law Enforcement for state
1089 processing and forwarding to the Federal Bureau of Investigation
1090 for federal processing. The actual cost of such state and federal
1091 processing shall be borne by the applicant and is to be in
1092 addition to the fee for licensure. The department may issue a
1093 license to an applicant pending the results of the fingerprint
1094 investigation, which license is fully revocable if the department
1095 subsequently determines that any facts set forth in the
1096 application are not true or correctly represented.

1097 Section 24. Present subsections (10) through (44) of
1098 section 322.01, Florida Statutes, are redesignated as subsections

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1099 (11) through (45), respectively, a new subsection (10) is added
1100 to that section, and present subsections (10), (23), and (29) of
1101 that section are amended, to read:

1102 322.01 Definitions.--As used in this chapter:

1103 (10) "Convenience service" means any means whereby an
1104 individual conducts a transaction with the department other than
1105 in person.

1106 (11)-(10)(a) "Conviction" means a conviction of an offense
1107 relating to the operation of motor vehicles on highways which is
1108 a violation of this chapter or any other such law of this state
1109 or any other state, including an admission or determination of a
1110 noncriminal traffic infraction pursuant to s. 318.14, or a
1111 judicial disposition of an offense committed under any federal
1112 law substantially conforming to the aforesaid state statutory
1113 provisions.

1114 (b) Notwithstanding any other provisions of this chapter,
1115 the definition of "conviction" provided in 49 C.F.R. part 383.5
1116 applies to offenses committed in a commercial motor vehicle or by
1117 a person holding a commercial driver license.

1118 (24)-(23) "Hazardous materials" means any material that has
1119 been designated as hazardous under 49 U.S.C. 5103 and is required
1120 to be placarded under subpart F of 49 C.F.R. part 172 or any
1121 quantity of a material listed as a select agent or toxin in 42
1122 C.F.R. part 73 has the meaning such term has under s. 103 of the
1123 Hazardous Materials Transportation Act.

1124 (30)-(29) "Out-of-service order" means a prohibition issued
1125 by an authorized local, state, or Federal Government official
1126 which precludes a person from driving a commercial motor vehicle
1127 for a period of 72 hours or less.

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1128 Section 25. Effective July 1, 2008, subsection (5) of
1129 section 322.0255, Florida Statutes, is amended to read:

1130 322.0255 Florida Motorcycle Safety Education Program.--

1131 (5) The only organizations that are eligible for
1132 reimbursement are organizations that executed a contract on or
1133 after July 1, 2008. This reimbursement shall continue for 12
1134 months following the execution of the organization's contract.

1135 The department shall, subject to the availability of funds,
1136 reimburse each organization that provides an approved motorcycle
1137 safety education course for each student who begins the on-cycle
1138 portion of the course. This shall include any student not
1139 required to attend a motorcycle safety education course prior to
1140 licensure as required in s. 322.12. The amount to be reimbursed
1141 per student to each course provider shall be determined by the
1142 department. In order to facilitate such determination, each
1143 course provider shall be required to submit proof satisfactory to
1144 the department of the expected cost per student to be incurred by
1145 such course provider. In no event shall the amount to be
1146 reimbursed per student to any course provider exceed the expected
1147 cost per student. In addition to the amount of any reimbursement,
1148 each course provider that conducts such a course may charge each
1149 student a tuition fee sufficient to defray the cost of conducting
1150 the course. The department shall fund the payments required under
1151 this subsection from the motorcycle safety education fee, as
1152 provided in ss. 320.08 and 322.025.

1153 Section 26. Subsection (1) of section 322.03, Florida
1154 Statutes, is amended to read:

1155 322.03 Drivers must be licensed; penalties.--

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1156 (1) Except as otherwise authorized in this chapter, a
1157 person may not drive any motor vehicle upon a highway in this
1158 state unless such person has a valid driver's license under the
1159 provisions of this chapter.

1160 (a) A person who drives a commercial motor vehicle shall
1161 not receive a driver's license unless and until he or she
1162 surrenders to the department all driver's licenses in his or her
1163 possession issued to him or her by any other jurisdiction or
1164 makes an affidavit that he or she does not possess a driver's
1165 license. Any such person who fails to surrender such licenses or
1166 who makes a false affidavit concerning such licenses is guilty of
1167 a misdemeanor of the first degree, punishable as provided in s.
1168 775.082 or s. 775.083.

1169 ~~(b) A person who does not drive a commercial motor vehicle~~
1170 ~~is not required to surrender a license issued by another~~
1171 ~~jurisdiction, upon a showing to the department that such license~~
1172 ~~is necessary because of employment or part-time residence. Any~~
1173 ~~person who retains a driver's license because of employment or~~
1174 ~~part-time residence shall, upon qualifying for a license in this~~
1175 ~~state, be issued a driver's license which shall be valid within~~
1176 ~~this state only.~~ All surrendered licenses may be returned by the
1177 department to the issuing jurisdiction together with information
1178 that the licensee is now licensed in a new jurisdiction or may be
1179 destroyed by the department, which shall notify the issuing
1180 jurisdiction of such destruction. A person may not have more than
1181 one valid Florida driver's license at any time.

1182 (c) A part-time resident issued a license pursuant to
1183 paragraph (b) may continue to hold such license until the next
1184 regularly scheduled renewal. Licenses that are identified as

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1185 "Valid in Florida only" may not be issued or renewed effective
1186 July 1, 2009. This paragraph expires June 30, 2017.

1187 Section 27. Subsections (1) and (2) of section 322.051,
1188 Florida Statutes, are amended to read:

1189 322.051 Identification cards.--

1190 (1) Any person who is 5 years of age or older, or any
1191 person who has a disability, regardless of age, who applies for a
1192 disabled parking permit under s. 320.0848, may be issued an
1193 identification card by the department upon completion of an
1194 application and payment of an application fee.

1195 (a) Each such application shall include the following
1196 information regarding the applicant:

1197 1. Full name (first, middle or maiden, and last), gender,
1198 proof of social security card number satisfactory to the
1199 department, county of residence, ~~and~~ mailing address, proof of
1200 residential address satisfactory to the department, country of
1201 birth, and a brief description.

1202 2. Proof of birth date satisfactory to the department.

1203 3. Proof of identity satisfactory to the department. Such
1204 proof must include one of the following documents issued to the
1205 applicant:

1206 a. A driver's license record or identification card record
1207 from another jurisdiction that required the applicant to submit a
1208 document for identification which is substantially similar to a
1209 document required under sub-subparagraph b., sub-subparagraph c.,
1210 sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., ~~or~~
1211 sub-subparagraph g., or sub-subparagraph h.;

1212 b. A certified copy of a United States birth certificate;

1213 c. A valid, unexpired United States passport;

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1214 d. A naturalization certificate issued by the United States
1215 Department of Homeland Security;

1216 e. A valid, unexpired ~~An~~ alien registration receipt card
1217 (green card);

1218 f. Consular Report of Birth Abroad provided by the United
1219 States Department of State;

1220 ~~g.f.~~ An unexpired employment authorization card issued by
1221 the United States Department of Homeland Security; or

1222 ~~h.g.~~ Proof of nonimmigrant classification provided by the
1223 United States Department of Homeland Security, for an original
1224 identification card. In order to prove such nonimmigrant
1225 classification, applicants may produce but are not limited to the
1226 following documents:

1227 (I) A notice of hearing from an immigration court
1228 scheduling a hearing on any proceeding.

1229 (II) A notice from the Board of Immigration Appeals
1230 acknowledging pendency of an appeal.

1231 (III) Notice of the approval of an application for
1232 adjustment of status issued by the United States Bureau of
1233 Citizenship and Immigration Services.

1234 (IV) Any official documentation confirming the filing of a
1235 petition for asylum or refugee status or any other relief issued
1236 by the United States Bureau of Citizenship and Immigration
1237 Services.

1238 (V) Notice of action transferring any pending matter from
1239 another jurisdiction to Florida, issued by the United States
1240 Bureau of Citizenship and Immigration Services.

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1241 (VI) Order of an immigration judge or immigration officer
1242 granting any relief that authorizes the alien to live and work in
1243 the United States including, but not limited to asylum.

1244 (VII) Evidence that an application is pending for
1245 adjustment of status to that of an alien lawfully admitted for
1246 permanent residence in the United States or conditional permanent
1247 resident status in the United States, if a visa number is
1248 available having a current priority date for processing by the
1249 United States Bureau of Citizenship and Immigration Services.

1250 (VIII) On or after January 1, 2010, an unexpired foreign
1251 passport with an unexpired United States Visa affixed,
1252 accompanied by an approved I-94, documenting the most recent
1253 admittance into the United States.

1254
1255 Presentation of any of the documents described in sub-
1256 subparagraph g. f. or sub-subparagraph h. g. entitles the
1257 applicant to an identification card for a period not to exceed
1258 the expiration date of the document presented or 1 year,
1259 whichever first occurs.

1260 (b) An application for an identification card must be
1261 signed and verified by the applicant in a format designated by
1262 the department before a person authorized to administer oaths and
1263 payment of the applicable fee pursuant to s. 322.21. The fee for
1264 an identification card is \$3, including payment for the color
1265 photograph or digital image of the applicant.

1266 (c) Each such applicant may include fingerprints and any
1267 other unique biometric means of identity.

1268 (2) (a) Every identification card:

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1269 1. Issued to a person 5 years of age to 14 years of age
1270 shall expire, unless canceled earlier, on the fourth birthday of
1271 the applicant following the date of original issue.

1272 2. Issued to a person 15 years of age and older shall
1273 expire, unless canceled earlier, on the eighth birthday of the
1274 applicant following the date of original issue.

1275
1276 Renewal of an identification card shall be made for the
1277 applicable term enumerated in this paragraph. However, if an
1278 individual is 60 years of age or older, and has an identification
1279 card issued under this section, the card shall not expire unless
1280 done so by cancellation by the department or by the death of the
1281 cardholder. Renewal of any identification card shall be made for
1282 a term which shall expire on the fourth birthday of the applicant
1283 following expiration of the identification card renewed, unless
1284 surrendered earlier. Any application for renewal received later
1285 than 90 days after expiration of the identification card shall be
1286 considered the same as an application for an original
1287 identification card. The renewal fee for an identification card
1288 shall be \$10, of which \$4 shall be deposited into the General
1289 Revenue Fund and \$6 into the Highway Safety Operating Trust Fund.
1290 The department shall, at the end of 4 years and 6 months after
1291 the issuance or renewal of an identification card, destroy any
1292 record of the card if it has expired and has not been renewed,
1293 unless the cardholder is 60 years of age or older.

1294 (b) Notwithstanding any other provision of this chapter, if
1295 an applicant establishes his or her identity for an
1296 identification card using a document authorized under sub-
1297 subparagraph (1)(a)3.e., the identification card shall expire on

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1298 the eighth ~~fourth~~ birthday of the applicant following the date of
1299 original issue or upon first renewal or duplicate issued after
1300 implementation of this section. After an initial showing of such
1301 documentation, he or she is exempted from having to renew or
1302 obtain a duplicate in person.

1303 (c) Notwithstanding any other provisions of this chapter,
1304 if an applicant establishes his or her identity for an
1305 identification card using an identification document authorized
1306 under sub-subparagraph (1)(a)3.g. ~~(1)(a)3.f.~~ or sub-subparagraph
1307 (1)(a)3.h. ~~(1)(a)3.g.~~, the identification card shall expire 1
1308 year ~~2 years~~ after the date of issuance or upon the expiration
1309 date cited on the United States Department of Homeland Security
1310 documents, whichever date first occurs, and may not be renewed or
1311 obtain a duplicate except in person.

1312 Section 28. Subsections (1), (2), and (6) of section
1313 322.08, Florida Statutes, are amended to read:

1314 322.08 Application for license.--

1315 (1) Each application for a driver's license shall be made
1316 in a format designated by the department and sworn to or affirmed
1317 by the applicant as to the truth of the statements made in the
1318 application.

1319 (2) Each such application shall include the following
1320 information regarding the applicant:

1321 (a) Full name (first, middle or maiden, and last), gender,
1322 proof of social security card number satisfactory to the
1323 department, county of residence, and mailing address, proof of
1324 residential address satisfactory to the department, country of
1325 birth, and a brief description.

1326 (b) Proof of birth date satisfactory to the department.

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1327 (c) Proof of identity satisfactory to the department. Such
1328 proof must include one of the following documents issued to the
1329 applicant:

1330 1. A driver's license record or identification card record
1331 from another jurisdiction that required the applicant to submit a
1332 document for identification which is substantially similar to a
1333 document required under subparagraph 2., subparagraph 3.,
1334 subparagraph 4., subparagraph 5., subparagraph 6., ~~or~~
1335 subparagraph 7., or subparagraph 8.;

1336 2. A certified copy of a United States birth certificate;

1337 3. A valid, unexpired United States passport;

1338 4. A naturalization certificate issued by the United States
1339 Department of Homeland Security;

1340 5. A valid, unexpired ~~An~~ alien registration receipt card
1341 (green card);

1342 6. Consular Report of Birth Abroad provided by the United
1343 States Department of State;

1344 ~~7.6.~~ An unexpired employment authorization card issued by
1345 the United States Department of Homeland Security; or

1346 ~~8.7.~~ Proof of nonimmigrant classification provided by the
1347 United States Department of Homeland Security, for an original
1348 driver's license. In order to prove nonimmigrant classification,
1349 an applicant may produce the following documents, including, but
1350 not limited to:

1351 a. A notice of hearing from an immigration court scheduling
1352 a hearing on any proceeding.

1353 b. A notice from the Board of Immigration Appeals
1354 acknowledging pendency of an appeal.

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1355 c. A notice of the approval of an application for
1356 adjustment of status issued by the United States Bureau of
1357 Citizenship and Immigration Services.

1358 d. Any official documentation confirming the filing of a
1359 petition for asylum or refugee status or any other relief issued
1360 by the United States Bureau of Citizenship and Immigration
1361 Services.

1362 e. A notice of action transferring any pending matter from
1363 another jurisdiction to this state issued by the United States
1364 Bureau of Citizenship and Immigration Services.

1365 f. An order of an immigration judge or immigration officer
1366 granting any relief that authorizes the alien to live and work in
1367 the United States, including, but not limited to, asylum.

1368 g. Evidence that an application is pending for adjustment
1369 of status to that of an alien lawfully admitted for permanent
1370 residence in the United States or conditional permanent resident
1371 status in the United States, if a visa number is available having
1372 a current priority date for processing by the United States
1373 Bureau of Citizenship and Immigration Services.

1374 h. On or after January 1, 2010, an unexpired foreign
1375 passport with an unexpired United States Visa affixed,
1376 accompanied by an approved I-94, documenting the most recent
1377 admittance into the United States.

1378
1379 Presentation of any of the documents in subparagraph 7. ~~6.~~ or
1380 subparagraph 8. ~~7.~~ entitles the applicant to a driver's license
1381 or temporary permit for a period not to exceed the expiration
1382 date of the document presented or 1 year, whichever occurs first.

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1383 (d) Whether the applicant has previously been licensed to
1384 drive, and, if so, when and by what state, and whether any such
1385 license or driving privilege has ever been disqualified, revoked,
1386 or suspended, or whether an application has ever been refused,
1387 and, if so, the date of and reason for such disqualification,
1388 suspension, revocation, or refusal.

1389 (e) Each such application may include fingerprints and
1390 other unique biometric means of identity.

1391 (6) The application form for a driver's license or
1392 duplicate thereof shall include language permitting the
1393 following:

1394 ~~(a) A voluntary contribution of \$5 per applicant, which~~
1395 ~~contribution shall be transferred into the Election Campaign~~
1396 ~~Financing Trust Fund.~~

1397 (a) ~~(b)~~ A voluntary contribution of \$1 per applicant, which
1398 contribution shall be deposited into the Florida Organ and Tissue
1399 Donor Education and Procurement Trust Fund for organ and tissue
1400 donor education and for maintaining the organ and tissue donor
1401 registry.

1402 (b) ~~(e)~~ A voluntary contribution of \$1 per applicant, which
1403 contribution shall be distributed to the Florida Council of the
1404 Blind.

1405 (c) ~~(d)~~ A voluntary contribution of \$2 per applicant, which
1406 shall be distributed to the Hearing Research Institute,
1407 Incorporated.

1408 (d) ~~(e)~~ A voluntary contribution of \$1 per applicant, which
1409 shall be distributed to the Juvenile Diabetes Foundation
1410 International.

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1411 (e)~~(f)~~ A voluntary contribution of \$1 per applicant, which
1412 shall be distributed to the Children's Hearing Help Fund.

1413
1414 A statement providing an explanation of the purpose of the trust
1415 funds shall also be included. For the purpose of applying the
1416 service charge provided in s. 215.20, contributions received
1417 under paragraphs (b), (c), (d), and (e) ~~(e), (d), (e), and (f)~~
1418 and under s. 322.18(9)(a) are not income of a revenue nature.

1419 Section 29. Paragraph (a) of subsection (1) of section
1420 322.14, Florida Statutes, is amended to read:

1421 322.14 Licenses issued to drivers.--

1422 (1)(a) The department shall, upon successful completion of
1423 all required examinations and payment of the required fee, issue
1424 to every applicant qualifying therefor, a driver's license as
1425 applied for, which license shall bear thereon a color photograph
1426 or digital image of the licensee; the name of the state; a
1427 distinguishing number assigned to the licensee; and the
1428 licensee's full name, date of birth, and residence ~~mailing~~
1429 address; a brief description of the licensee, including, but not
1430 limited to, the licensee's gender and height; and the dates of
1431 issuance and expiration of the license. A space shall be provided
1432 upon which the licensee shall affix his or her usual signature.
1433 No license shall be valid until it has been so signed by the
1434 licensee except that the signature of said licensee shall not be
1435 required if it appears thereon in facsimile or if the licensee is
1436 not present within the state at the time of issuance. Applicants
1437 qualifying to receive a Class A, Class B, or Class C driver's
1438 license must appear in person within the state for issuance of a

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1439 color photographic or digital imaged driver's license pursuant to
1440 s. 322.142.

1441 Section 30. Section 322.15, Florida Statutes, is amended to
1442 read:

1443 322.15 License to be carried and exhibited on demand;
1444 fingerprint to be imprinted upon a citation.--

1445 (1) Every licensee shall have his or her driver's license,
1446 which must be fully legible with no portion of such license
1447 faded, altered, mutilated, or defaced, in his or her immediate
1448 possession at all times when operating a motor vehicle and shall
1449 display the same upon the demand of a law enforcement officer or
1450 an authorized representative of the department.

1451 (2) Upon the failure of any person to display a driver's
1452 license as required by subsection (1), the law enforcement
1453 officer or authorized representative of the department stopping
1454 the person shall require the person to imprint his or her
1455 fingerprints ~~fingerprint~~ upon any citation issued by the officer
1456 or authorized representative, or the officer or authorized
1457 representative shall collect the fingerprints electronically.

1458 (3) In relation to violations of subsection (1) or s.
1459 322.03(5), persons who cannot supply proof of a valid driver's
1460 license for the reason that the license was suspended for failure
1461 to comply with that citation shall be issued a suspension
1462 clearance by the clerk of the court for that citation upon
1463 payment of the applicable penalty and fee for that citation. If
1464 proof of a valid driver's license is not provided to the clerk of
1465 the court within 30 days, the person's driver's license shall
1466 again be suspended for failure to comply.

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1467 (4) A violation of subsection (1) is a noncriminal traffic
1468 infraction, punishable as a nonmoving violation as provided in
1469 chapter 318.

1470 Section 31. Section 322.17, Florida Statutes, is amended to
1471 read:

1472 322.17 Replacement licenses and permits ~~Duplicate and~~
1473 ~~replacement certificates.--~~

1474 (1) (a) In the event that an instruction permit or driver's
1475 license issued under the provisions of this chapter is lost or
1476 destroyed, the person to whom the same was issued may, upon
1477 payment of the appropriate fee pursuant to s. 322.21 \$10, obtain
1478 a replacement ~~duplicate, or substitute thereof~~, upon furnishing
1479 proof satisfactory to the department that such permit or license
1480 has been lost or destroyed, and further furnishing the full name,
1481 date of birth, sex, residence and mailing address, proof of birth
1482 satisfactory to the department, and proof of identity
1483 satisfactory to the department. ~~Five dollars of the fee levied in~~
1484 ~~this paragraph shall go to the Highway Safety Operating Trust~~
1485 ~~Fund of the department.~~

1486 (b) In the event that an instruction permit or driver's
1487 license issued under the provisions of this chapter is stolen,
1488 the person to whom the same was issued may, at no charge, obtain
1489 a replacement ~~duplicate, or substitute thereof~~, upon furnishing
1490 proof satisfactory to the department that such permit or license
1491 was stolen and further furnishing the full name, date of birth,
1492 sex, residence and mailing address, proof of birth satisfactory
1493 to the department, and proof of identity satisfactory to the
1494 department.

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1495 (2) Upon the surrender of the original license and the
1496 payment of the appropriate fees pursuant to s. 322.21 ~~a \$10~~
1497 ~~replacement fee~~, the department shall issue a replacement license
1498 to make a change in name, address, or restrictions. ~~Upon written~~
1499 ~~request by the licensee and notification of a change in address,~~
1500 ~~and the payment of a \$10 fee, the department shall issue an~~
1501 ~~address sticker which shall be affixed to the back of the license~~
1502 ~~by the licensee. Nine dollars of the fee levied in this~~
1503 ~~subsection shall go to the Highway Safety Operating Trust Fund of~~
1504 ~~the department.~~

1505 (3) Notwithstanding any other provisions of this chapter,
1506 if a licensee establishes his or her identity for a driver's
1507 license using an identification document authorized under s.
1508 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may
1509 not obtain a duplicate or replacement instruction permit or
1510 driver's license except in person and upon submission of an
1511 identification document authorized under s. 322.08(2)(c)7. or 8.
1512 ~~s. 322.08(2)(c)6. or 7.~~

1513 Section 32. Section 322.18, Florida Statutes, is amended to
1514 read:

1515 322.18 Original applications, licenses, and renewals;
1516 expiration of licenses; delinquent licenses.--

1517 (1)(a) Except as provided in paragraph (b), the department
1518 may issue an original driver's license only after the applicant
1519 successfully passes the required examinations and presents the
1520 application to the department.

1521 (b) The department may waive the driver's license
1522 examination requirement if the applicant is otherwise qualified
1523 and surrenders a valid license issued by another state, a

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1524 province of Canada, or the United States Armed Forces which is of
1525 an equal or lesser classification as provided in s. 322.12.

1526 (2) Each applicant who is entitled to the issuance of a
1527 driver's license, as provided in this section, shall be issued a
1528 driver's license, as follows:

1529 (a) An applicant who has not attained 80 years of age
1530 applying for an original issuance shall be issued a driver's
1531 license that ~~which~~ expires at midnight on the licensee's birthday
1532 which next occurs on or after the eighth ~~sixth~~ anniversary of the
1533 date of issue. An applicant who is at least 80 years of age
1534 applying for an original issuance shall be issued a driver's
1535 license that expires at midnight on the licensee's birthday that
1536 next occurs on or after the sixth anniversary of the date of
1537 issue.

1538 (b) An applicant who has not attained 80 years of age
1539 applying for a renewal issuance ~~or renewal extension~~ shall be
1540 issued a driver's license that ~~or renewal extension sticker~~ which
1541 expires at midnight on the licensee's birthday that ~~which~~ next
1542 occurs 8 4 years after the month of expiration of the license
1543 being renewed, ~~except that a driver whose driving record reflects~~
1544 ~~no convictions for the preceding 3 years shall be issued a~~
1545 ~~driver's license or renewal extension sticker which expires at~~
1546 ~~midnight on the licensee's birthday which next occurs 6 years~~
1547 ~~after the month of expiration of the license being renewed. An~~
1548 ~~applicant who is at least 80 years of age applying for a renewal~~
1549 ~~issuance shall be issued a driver's license that expires at~~
1550 ~~midnight on the licensee's birthday that next occurs 6 years~~
1551 ~~after the month of expiration of the license being renewed.~~

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1552 (c) Notwithstanding any other provision of this chapter, if
1553 an applicant establishes his or her identity for a driver's
1554 license using a document authorized under s. 322.08(2)(c)5., the
1555 driver's license shall expire in accordance with paragraph (b).
1556 After an initial showing of such documentation, he or she is
1557 exempted from having to renew or obtain a duplicate in person.

1558 (d) Notwithstanding any other provision of this chapter, if
1559 an applicant establishes his or her identity for a driver's
1560 license using a document authorized in s. 322.08(2)(c)7. or 8. ~~s.~~
1561 ~~322.08(2)(c)6. or 7.~~, the driver's license shall expire 1 year ~~2~~
1562 ~~years~~ after the date of issuance or upon the expiration date
1563 cited on the United States Department of Homeland Security
1564 documents, whichever date first occurs.

1565 (e) Notwithstanding any other provision of this chapter, an
1566 applicant applying for an original or renewal issuance of a
1567 commercial driver's license as defined in s. 322.01(7), with a
1568 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
1569 shall be issued a driver's license that expires at midnight on
1570 the licensee's birthday that next occurs 4 years after the month
1571 of expiration of the license being issued or renewed.

1572 (3) If a license expires on a Saturday, Sunday, or legal
1573 holiday, it shall be valid until midnight of the next regular
1574 working day and may be renewed on that day without payment of a
1575 delinquent fee.

1576 (4) (a) Except as otherwise provided in this chapter, all
1577 licenses shall be renewable every 8 ~~4~~ years ~~or 6 years, depending~~
1578 ~~upon the terms of issuance~~ and shall be issued or renewed
1579 ~~extended~~ upon application, payment of the fees required by s.
1580 322.21, and successful passage of any required examination,

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1581 unless the department has reason to believe that the licensee is
1582 no longer qualified to receive a license.

1583 (b) Notwithstanding any other provision of this chapter, if
1584 an applicant establishes his or her identity for a driver's
1585 license using a document authorized under s. 322.08(2)(c)5., the
1586 license, upon an initial showing of such documentation, is
1587 exempted from having to renew or obtain a duplicate in person,
1588 unless the renewal or duplication coincides with the periodic
1589 reexamination of a driver as required pursuant to s. 322.121.

1590 (c) Notwithstanding any other provision of this chapter, if
1591 a licensee establishes his or her identity for a driver's license
1592 using an identification document authorized under s.
1593 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~, the licensee may
1594 not renew the driver's license except in person and upon
1595 submission of an identification document authorized under s.
1596 322.08(2)(c)7. or 8. ~~s. 322.08(2)(c)6. or 7.~~ A driver's license
1597 renewed under this paragraph expires 1 year ~~4 years~~ after the
1598 date of issuance or upon the expiration date cited on the United
1599 States Department of Homeland Security documents, whichever date
1600 first occurs.

1601 (5) All renewal driver's licenses may be issued after the
1602 applicant licensee has been determined to be eligible by the
1603 department.

1604 (a) A licensee who is otherwise eligible for renewal and
1605 who is at least 80 ~~over 79~~ years of age:

1606 1. Must submit to and pass a vision test administered at
1607 any driver's license office; or

1608 2. If the licensee applies for a renewal using a
1609 convenience service ~~an extension by mail~~ as provided in

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1610 subsection (8), he or she must submit to a vision test
1611 administered by a physician licensed under chapter 458 or chapter
1612 459, or an optometrist licensed under chapter 463, must send the
1613 results of that test to the department on a form obtained from
1614 the department and signed by such health care practitioner, and
1615 must meet vision standards that are equivalent to the standards
1616 for passing the departmental vision test. The physician or
1617 optometrist may submit the results of a vision test by a
1618 department-approved electronic means.

1619 (b) A licensee who is at least 80 ~~over 79~~ years of age may
1620 not submit an application for renewal ~~extension~~ under subsection
1621 (8) by a convenience service ~~electronic or telephonic means,~~
1622 unless the results of a vision test have been electronically
1623 submitted in advance by the physician or optometrist.

1624 (6) If the licensee does not receive a renewal notice, the
1625 licensee or applicant may apply to the department, under oath, at
1626 any driver's license examining office. Such application shall be
1627 on a form prepared and furnished by the department. The
1628 department shall make such forms available to the various
1629 examining offices throughout the state. Upon receipt of such
1630 application, the department shall issue a license or temporary
1631 permit to the applicant or shall advise the applicant that no
1632 license or temporary permit will be issued and advise the
1633 applicant of the reason for his or her ineligibility.

1634 (7) An expired Florida driver's license may be renewed any
1635 time within 12 months after the expiration date, with
1636 reexamination, if required, upon payment of the required
1637 delinquent fee or taking and passing the written examination. If
1638 the final date upon which a license may be renewed under this

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1639 section falls upon a Saturday, Sunday, or legal holiday, the
1640 renewal period shall be extended to midnight of the next regular
1641 working day. The department may refuse to issue any license if:

1642 (a) It has reason to believe the licensee is no longer
1643 qualified to receive a license.

1644 (b) Its records reflect that the applicant's driving
1645 privilege is under suspension or revocation.

1646 (8) The department shall issue 8-year renewals using a
1647 convenience service ~~4-year and 6-year license extensions by mail,~~
1648 ~~electronic, or telephonic means~~ without reexamination to drivers
1649 who have not attained 80 years of age. The department shall issue
1650 6-year renewals using a convenience service when the applicant
1651 has satisfied the requirements of subsection (5).

1652 (a) If the department determines from its records that the
1653 holder of a license about to expire is eligible for renewal, the
1654 department shall mail a renewal notice to the licensee at his or
1655 her last known address, not less than 30 days prior to the
1656 licensee's birthday. The renewal notice shall direct the licensee
1657 to appear at a driver license office for in-person renewal or to
1658 transmit the completed renewal notice and the fees required by s.
1659 322.21 to the department using a convenience service ~~by mail,~~
1660 ~~electronically, or telephonically~~ within the 30 days preceding
1661 ~~the licensee's birthday for a license extension.~~ License
1662 ~~extensions shall not be available to drivers directed to appear~~
1663 ~~for in-person renewal.~~

1664 (b) Upon receipt of a properly completed renewal notice,
1665 payment of the required fees, and upon determining that the
1666 licensee is still eligible for renewal, the department shall send
1667 a new license ~~extension sticker~~ to the licensee ~~to affix to the~~

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1668 ~~expiring license as evidence that the license term has been~~
1669 ~~extended.~~

1670 (c) The department shall issue one renewal using a
1671 convenience service license extensions ~~for two consecutive~~
1672 ~~license expirations only. Upon expiration of two consecutive~~
1673 ~~license extension periods, in-person renewal with reexamination~~
1674 ~~as provided in s. 322.121 shall be required.~~ A person who is out
1675 of this state when his or her license expires may be issued a 90-
1676 day temporary driving permit without reexamination. At the end of
1677 the 90-day period, the person must either return to this state or
1678 apply for a license where the person is located, except for a
1679 member of the Armed Forces as provided in s. 322.121(6).

1680 ~~(d) In-person renewal at a driver license office shall not~~
1681 ~~be available to drivers whose records indicate they were directed~~
1682 ~~to apply for a license extension.~~

1683 (d)(e) Any person who knowingly possesses any forged,
1684 stolen, fictitious, counterfeit, or unlawfully issued license
1685 extension sticker, unless possession by such person has been duly
1686 authorized by the department, commits a misdemeanor of the second
1687 degree, punishable as provided in s. 775.082 or s. 775.083.

1688 (e)(f) The department shall develop a plan for the
1689 equitable distribution of license ~~extensions~~ and renewals and the
1690 orderly implementation of this section.

1691 (9) (a) The application form for a renewal issuance ~~or~~
1692 ~~renewal extension~~ shall include language permitting a voluntary
1693 contribution of \$1 per applicant, to be quarterly distributed by
1694 the department to Prevent Blindness Florida, a not-for-profit
1695 organization, to prevent blindness and preserve the sight of the
1696 residents of this state. A statement providing an explanation of

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1697 the purpose of the funds shall be included with the application
1698 form.

1699 (b) Prior to the department distributing the funds
1700 collected pursuant to paragraph (a), Prevent Blindness Florida
1701 must submit a report to the department that identifies how such
1702 funds were used during the preceding year.

1703 Section 33. Subsections (2) and (4) of section 322.19,
1704 Florida Statutes, are amended to read:

1705 322.19 Change of address or name.--

1706 (2) Whenever any person, after applying for or receiving a
1707 driver's license, changes the residence or mailing address in the
1708 application or license, the person must, within 10 calendar days,
1709 ~~either obtain a replacement license that reflects the change or~~
1710 ~~request in writing a change of address sticker.~~ A The written
1711 request to the department must include the old and new addresses
1712 and the driver's license number.

1713 (4) Notwithstanding any other provision of this chapter, if
1714 a licensee established his or her identity for a driver's license
1715 using an identification document authorized under s.

1716 322.08(2)(c)7. or 8. s. ~~322.08(2)(c)6. or 7.~~, the licensee may
1717 not change his or her name or address except in person and upon
1718 submission of an identification document authorized under s.
1719 322.08(2)(c)7. or 8. s. ~~322.08(2)(c)6. or 7.~~

1720 Section 34. Subsection (1) of section 322.21, Florida
1721 Statutes, is amended to read:

1722 322.21 License fees; procedure for handling and collecting
1723 fees.--

1724 (1) Except as otherwise provided herein, the fee for:

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1725 (a) An original or renewal commercial driver's license is
1726 \$67 ~~\$50~~, which shall include the fee for driver education
1727 provided by s. 1003.48; however, if an applicant has completed
1728 training and is applying for employment or is currently employed
1729 in a public or nonpublic school system that requires the
1730 commercial license, the fee shall be the same as for a Class E
1731 driver's license. A delinquent fee of \$1 shall be added for a
1732 renewal made not more than 12 months after the license expiration
1733 date. Of the \$67 fee, \$50 shall be deposited into the General
1734 Revenue Fund. The remaining \$17 shall be deposited into the
1735 Highway Safety Operating Trust Fund for the general operations of
1736 the department.

1737 (b) An original Class E driver's license is \$27 ~~\$20~~, which
1738 shall include the fee for driver's education provided by s.
1739 1003.48; however, if an applicant has completed training and is
1740 applying for employment or is currently employed in a public or
1741 nonpublic school system that requires a commercial driver
1742 license, the fee shall be the same as for a Class E license. Of
1743 the \$27 fee, \$20 shall be deposited into the General Revenue
1744 Fund. The remaining \$7 shall be deposited into the Highway Safety
1745 Operating Trust Fund for the general operations of the
1746 department.

1747 (c) The renewal or extension of a Class E driver's license
1748 or of a license restricted to motorcycle use only is \$20 ~~\$15~~,
1749 except that a delinquent fee of \$1 shall be added for a renewal
1750 or extension made not more than 12 months after the license
1751 expiration date. The fee provided in this paragraph shall include
1752 the fee for driver's education provided by s. 1003.48. Of the \$20
1753 fee, \$15 shall be deposited into the General Revenue Fund. The

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1754 remaining \$5 shall be deposited into the Highway Safety Operating
1755 Trust Fund for the general operations of the department.

1756 (d) An original driver's license restricted to motorcycle
1757 use only is \$27 ~~\$20~~, which shall include the fee for driver's
1758 education provided by s. 1003.48. Of the \$27 fee, \$20 shall be
1759 deposited into the General Revenue Fund. The remaining \$7 shall
1760 be deposited into the Highway Safety Operating Trust Fund for the
1761 general operations of the department.

1762 (e) A replacement driver's license, issued pursuant to s.
1763 322.17 is \$10. Of the \$10 fee, \$3 shall be deposited into the
1764 General Revenue Fund. The remaining \$7 shall be deposited into
1765 the Highway Safety Operating Trust Fund for the general
1766 operations of the department.

1767 (f) An original or renewal identification card issued
1768 pursuant to s. 322.051 is \$10. Of the \$10 fee, \$4 shall be
1769 deposited into the General Revenue Fund. The remaining \$6 shall
1770 be deposited in the Highway Safety Operating Trust Fund for the
1771 general operations of the department.

1772 (g)~~(f)~~ Each endorsement required by s. 322.57 is \$7 ~~\$5~~. Of
1773 the \$7 fee, \$5 shall be deposited into the General Revenue Fund.
1774 The remaining \$2 shall be deposited into the Highway Safety
1775 Operating Trust Fund for the general operations of the
1776 department.

1777 (h)~~(f)~~ A hazardous-materials endorsement, as required by s.
1778 322.57(1)(d), shall be set by the department by rule and shall
1779 reflect the cost of the required criminal history check,
1780 including the cost of the state and federal fingerprint check,
1781 and the cost to the department of providing and issuing the
1782 license. The fee shall not exceed \$100. This fee shall be

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1783 deposited in the Highway Safety Operating Trust Fund. The
1784 department may adopt rules to administer this section.

1785 Section 35. Subsection (3) of section 322.2715, Florida
1786 Statutes, is amended to read:

1787 322.2715 Ignition interlock device.--

1788 (3) If the person is convicted of:

1789 (a) A first offense of driving under the influence under s.
1790 316.193 and has an unlawful blood-alcohol level or breath-alcohol
1791 level as specified in s. 316.193(4), or if a person is convicted
1792 of a violation of s. 316.193 and was at the time of the offense
1793 accompanied in the vehicle by a person younger than 18 years of
1794 age, the person shall have the ignition interlock device
1795 installed for 6 continuous months for the first offense and for
1796 at least 2 continuous years for a second offense.

1797 (b) A second offense of driving under the influence, the
1798 ignition interlock device shall be installed for a period of not
1799 less than 1 continuous year.

1800 (c) A third offense of driving under the influence which
1801 occurs within 10 years after a prior conviction for a violation
1802 of s. 316.193, the ignition interlock device shall be installed
1803 for a period of not less than 2 continuous years.

1804 (d) A third offense of driving under the influence which
1805 occurs more than 10 years after the date of a prior conviction,
1806 the ignition interlock device shall be installed for a period of
1807 not less than 2 continuous years.

1808 Section 36. Section 322.291, Florida Statutes, is amended
1809 to read:

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1810 322.291 Driver improvement schools or DUI programs;
1811 required in certain suspension and revocation cases.--Except as
1812 provided in s. 322.03(2), any person:

1813 (1) Whose driving privilege has been revoked:

1814 (a) Upon conviction for:

1815 1. Driving, or being in actual physical control of, any
1816 vehicle while under the influence of alcoholic beverages, any
1817 chemical substance set forth in s. 877.111, or any substance
1818 controlled under chapter 893, in violation of s. 316.193;

1819 2. Driving with an unlawful blood- or breath-alcohol level;

1820 3. Manslaughter resulting from the operation of a motor
1821 vehicle;

1822 4. Failure to stop and render aid as required under the
1823 laws of this state in the event of a motor vehicle crash
1824 resulting in the death or personal injury of another;

1825 5. Reckless driving; or

1826 (b) As an habitual offender;

1827 (c) Upon direction of the court, if the court feels that
1828 the seriousness of the offense and the circumstances surrounding
1829 the conviction warrant the revocation of the licensee's driving
1830 privilege; or

1831 (2) Whose license was suspended under the point system, was
1832 suspended for driving with an unlawful blood-alcohol level of
1833 0.10 percent or higher before January 1, 1994, was suspended for
1834 driving with an unlawful blood-alcohol level of 0.08 percent or
1835 higher after December 31, 1993, was suspended for a violation of
1836 s. 316.193(1), or was suspended for refusing to submit to a
1837 lawful breath, blood, or urine test as provided in s. 322.2615
1838

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1839 shall, before the driving privilege may be reinstated, present to
1840 the department proof of enrollment in a department-approved
1841 advanced driver improvement course operating pursuant to s.
1842 318.1451 or a substance abuse education course conducted by a DUI
1843 program licensed pursuant to s. 322.292, which shall include a
1844 psychosocial evaluation and treatment, if referred. Additionally,
1845 for a third or subsequent violation involving the required use of
1846 an ignition interlock device, the person shall be required to
1847 complete treatment as determined by a licensed treatment agency
1848 following a referral by a DUI program and have the duration of
1849 the requirement to use an ignition interlock device extended for
1850 a least 1 month or up to the time required to complete treatment.
1851 If the person fails to complete such course or evaluation within
1852 90 days after reinstatement, or subsequently fails to complete
1853 treatment, if referred, the DUI program shall notify the
1854 department of the failure. Upon receipt of the notice, the
1855 department shall cancel the offender's driving privilege,
1856 notwithstanding the expiration of the suspension or revocation of
1857 the driving privilege. The department may temporarily reinstate
1858 the driving privilege upon verification from the DUI program that
1859 the offender has completed the education course and evaluation
1860 requirement and has reentered and is currently participating in
1861 treatment. If the DUI program notifies the department of the
1862 second failure to complete treatment, the department shall
1863 reinstate the driving privilege only after notice of completion
1864 of treatment from the DUI program.

1865 Section 37. Section 322.36, Florida Statutes, is amended to
1866 read:

1867 322.36 Permitting unauthorized operator to drive.--A ~~No~~

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1868 | person may not ~~shall~~ authorize or knowingly permit a motor
1869 | vehicle owned by him or her or under his or her dominion or
1870 | control to be operated upon any highway or public street except
1871 | by a person who is ~~persons~~ duly authorized to operate a motor
1872 | vehicle ~~vehicles~~ under ~~the provisions of~~ this chapter. Any person
1873 | who violates ~~violating~~ this section commits ~~provision is guilty~~
1874 | ~~of~~ a misdemeanor of the second degree, punishable as provided in
1875 | s. 775.082 or s. 775.083. If a person violates this section by
1876 | knowingly loaning a vehicle to a person whose driver's license is
1877 | suspended and if that vehicle is involved in an accident
1878 | resulting in bodily injury or death, the driver's license of the
1879 | person violating this section shall be suspended for 1 year.

1880 | Section 38. Section 322.60, Florida Statutes, is repealed.

1881 | Section 39. Subsections (1), (2), (3), (4), (5), and (6) of
1882 | section 322.61, Florida Statutes, are amended to read:

1883 | 322.61 Disqualification from operating a commercial motor
1884 | vehicle.--

1885 | (1) A person who, for offenses occurring within a 3-year
1886 | period, is convicted of two of the following serious traffic
1887 | violations or any combination thereof, arising in separate
1888 | incidents committed in a commercial motor vehicle shall, in
1889 | addition to any other applicable penalties, be disqualified from
1890 | operating a commercial motor vehicle for a period of 60 days. A
1891 | holder of a commercial driver's license ~~person~~ who, for offenses
1892 | occurring within a 3-year period, is convicted of two of the
1893 | following serious traffic violations, or any combination thereof,
1894 | arising in separate incidents committed in a noncommercial motor
1895 | vehicle shall, in addition to any other applicable penalties, be
1896 | disqualified from operating a commercial motor vehicle for a

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1897 | period of 60 days if such convictions result in the suspension,
1898 | revocation, or cancellation of the licenseholder's driving
1899 | privilege:

1900 | (a) A violation of any state or local law relating to motor
1901 | vehicle traffic control, other than a parking violation, a weight
1902 | violation, or a vehicle equipment violation, arising in
1903 | connection with a crash resulting in death or personal injury to
1904 | any person;

1905 | (b) Reckless driving, as defined in s. 316.192;

1906 | (c) Careless driving, as defined in s. 316.1925;

1907 | (d) Fleeing or attempting to elude a law enforcement
1908 | officer, as defined in s. 316.1935;

1909 | (e) Unlawful speed of 15 miles per hour or more above the
1910 | posted speed limit;

1911 | (f) Driving a commercial motor vehicle, owned by such
1912 | person, which is not properly insured;

1913 | (g) Improper lane change, as defined in s. 316.085;

1914 | (h) Following too closely, as defined in s. 316.0895;

1915 | (i) Driving a commercial vehicle without obtaining a
1916 | commercial driver's license;

1917 | (j) Driving a commercial vehicle without the proper class
1918 | of commercial driver's license or without the proper endorsement;
1919 | or

1920 | (k) Driving a commercial vehicle without a commercial
1921 | driver's license in possession, as required by s. 322.03. Any
1922 | individual who provides proof to the clerk of the court or
1923 | designated official in the jurisdiction where the citation was
1924 | issued, by the date the individual must appear in court or pay
1925 | any fine for such a violation, that the individual held a valid

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1926 commercial driver's license on the date the citation was issued
1927 is not guilty of this offense.

1928 (2) (a) Any person who, for offenses occurring within a 3-
1929 year period, is convicted of three serious traffic violations
1930 specified in subsection (1) or any combination thereof, arising
1931 in separate incidents committed in a commercial motor vehicle
1932 shall, in addition to any other applicable penalties, including
1933 but not limited to the penalty provided in subsection (1), be
1934 disqualified from operating a commercial motor vehicle for a
1935 period of 120 days.

1936 (b) A holder of a commercial driver's license ~~person~~ who,
1937 for offenses occurring within a 3-year period, is convicted of
1938 three serious traffic violations specified in subsection (1) or
1939 any combination thereof arising in separate incidents committed
1940 in a noncommercial motor vehicle shall, in addition to any other
1941 applicable penalties, including, but not limited to, the penalty
1942 provided in subsection (1), be disqualified from operating a
1943 commercial motor vehicle for a period of 120 days if such
1944 convictions result in the suspension, revocation, or cancellation
1945 of the licenseholder's driving privilege.

1946 (3) (a) Except as provided in subsection (4), any person who
1947 is convicted of one of the ~~following~~ offenses listed in paragraph
1948 (b) while operating a commercial motor vehicle shall, in addition
1949 to any other applicable penalties, be disqualified from operating
1950 a commercial motor vehicle for a period of 1 year:

1951 (b) Except as provided in subsection (4), any holder of a
1952 commercial driver's license who is convicted of one of the
1953 offenses listed in this paragraph while operating a noncommercial
1954 motor vehicle shall, in addition to any other applicable

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1955 penalties, be disqualified from operating a commercial motor
1956 vehicle for a period of 1 year:

1957 1.(a) Driving a ~~commercial~~ motor vehicle while he or she is
1958 under the influence of alcohol or a controlled substance;

1959 2.(b) Driving a commercial motor vehicle while the alcohol
1960 concentration of his or her blood, breath, or urine is .04
1961 percent or higher;

1962 3.(c) Leaving the scene of a crash involving a ~~commercial~~
1963 motor vehicle driven by such person;

1964 4.(d) Using a ~~commercial~~ motor vehicle in the commission of
1965 a felony;

1966 5.(e) Driving a commercial motor vehicle while in
1967 possession of a controlled substance;

1968 6.(f) Refusing to submit to a test to determine his or her
1969 alcohol concentration while driving a ~~commercial~~ motor vehicle;

1970 7.(g) Driving a commercial vehicle while the
1971 licenseholder's commercial driver's license is suspended,
1972 revoked, or canceled or while the licenseholder is disqualified
1973 from driving a commercial vehicle; or

1974 8.(h) Causing a fatality through the negligent operation of
1975 a commercial motor vehicle.

1976 (4) Any person who is transporting hazardous materials as
1977 defined in s. 322.01(24) ~~in a vehicle that is required to be~~
1978 ~~placarded in accordance with Title 49 C.F.R. part 172, subpart F~~
1979 shall, upon conviction of an offense specified in subsection (3),
1980 be disqualified from operating a commercial motor vehicle for a
1981 period of 3 years. The penalty provided in this subsection shall
1982 be in addition to any other applicable penalty.

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1983 (5) Any person who is convicted of two violations specified
1984 in subsection (3) which were committed while operating a
1985 commercial motor vehicle, or any combination thereof, arising in
1986 separate incidents shall be permanently disqualified from
1987 operating a commercial motor vehicle. Any holder of a commercial
1988 driver's license who is convicted of two violations specified in
1989 subsection (3) which were committed while operating a
1990 noncommercial motor vehicle, or any combination thereof, arising
1991 in separate incidents shall be permanently disqualified from
1992 operating a commercial motor vehicle. The penalty provided in
1993 this subsection is ~~shall be~~ in addition to any other applicable
1994 penalty.

1995 (6) Notwithstanding subsections (3), (4), and (5), any
1996 person who uses a commercial motor vehicle in the commission of
1997 any felony involving the manufacture, distribution, or dispensing
1998 of a controlled substance, including possession with intent to
1999 manufacture, distribute, or dispense a controlled substance,
2000 shall, upon conviction of such felony, be permanently
2001 disqualified from operating a commercial motor vehicle.
2002 Notwithstanding subsections (3), (4), and (5), any holder of a
2003 commercial driver's license who uses a noncommercial motor
2004 vehicle in the commission of any felony involving the
2005 manufacture, distribution, or dispensing of a controlled
2006 substance, including possession with intent to manufacture,
2007 distribute, or dispense a controlled substance, shall, upon
2008 conviction of such felony, be permanently disqualified from
2009 operating a commercial motor vehicle. The penalty provided in
2010 this subsection is ~~shall be~~ in addition to any other applicable
2011 penalty.

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2012 Section 40. Section 322.64, Florida Statutes, is amended to
2013 read:

2014 322.64 Holder of commercial driver's license; persons
2015 operating a commercial motor vehicle; driving with unlawful
2016 blood-alcohol level; refusal to submit to breath, urine, or blood
2017 test.--

2018 (1) (a) A law enforcement officer or correctional officer
2019 shall, on behalf of the department, disqualify from operating any
2020 commercial motor vehicle a person who while operating or in
2021 actual physical control of a commercial motor vehicle is arrested
2022 for a violation of s. 316.193, relating to unlawful blood-alcohol
2023 level or breath-alcohol level, or a person who has refused to
2024 submit to a breath, urine, or blood test authorized by s. 322.63
2025 arising out of the operation or actual physical control of a
2026 commercial motor vehicle. A law enforcement officer or
2027 correctional officer shall, on behalf of the department,
2028 disqualify the holder of a commercial driver's license from
2029 operating any commercial motor vehicle if the licenseholder,
2030 while operating or in actual physical control of a motor vehicle,
2031 is arrested for a violation of s. 316.193, relating to unlawful
2032 blood-alcohol level or breath-alcohol level, or refused to submit
2033 to a breath, urine, or blood test authorized by s. 322.63. Upon
2034 disqualification of the person, the officer shall take the
2035 person's driver's license and issue the person a 10-day temporary
2036 permit for the operation of noncommercial vehicles only if the
2037 person is otherwise eligible for the driving privilege and shall
2038 issue the person a notice of disqualification. If the person has
2039 been given a blood, breath, or urine test, the results of which
2040 are not available to the officer at the time of the arrest, the

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2041 agency employing the officer shall transmit such results to the
2042 department within 5 days after receipt of the results. If the
2043 department then determines that the person ~~was arrested for a~~
2044 ~~violation of s. 316.193 and that the person~~ had a blood-alcohol
2045 level or breath-alcohol level of 0.08 or higher, the department
2046 shall disqualify the person from operating a commercial motor
2047 vehicle pursuant to subsection (3).

2048 (b) The disqualification under paragraph (a) shall be
2049 pursuant to, and the notice of disqualification shall inform the
2050 driver of, the following:

2051 1.a. The driver refused to submit to a lawful breath,
2052 blood, or urine test and he or she is disqualified from operating
2053 a commercial motor vehicle for a period of 1 year, for a first
2054 refusal, or permanently, if he or she has previously been
2055 disqualified as a result of a refusal to submit to such a test;
2056 or

2057 b. The driver was driving or in actual physical control of
2058 a commercial motor vehicle, or any motor vehicle if the driver
2059 holds a commercial driver's license, had an unlawful blood-
2060 alcohol level or breath-alcohol level of 0.08 or higher, and his
2061 or her driving privilege shall be disqualified for a period of 6
2062 months for a first offense or for a period of 1 year if his or
2063 her driving privilege has been previously disqualified under this
2064 section. ~~violated s. 316.193 by driving with an unlawful blood-~~
2065 ~~alcohol level and he or she is disqualified from operating a~~
2066 ~~commercial motor vehicle for a period of 6 months for a first~~
2067 ~~offense or for a period of 1 year if he or she has previously~~
2068 ~~been disqualified, or his or her driving privilege has been~~
2069 ~~previously suspended, for a violation of s. 316.193.~~

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2070 2. The disqualification period for operating commercial
2071 vehicles shall commence on the date of ~~arrest or~~ issuance of the
2072 notice of disqualification, ~~whichever is later~~.

2073 3. The driver may request a formal or informal review of
2074 the disqualification by the department within 10 days after the
2075 date of ~~arrest or~~ issuance of the notice of disqualification,
2076 ~~whichever is later~~.

2077 4. The temporary permit issued at the time of ~~arrest or~~
2078 disqualification expires ~~will expire~~ at midnight of the 10th day
2079 following the date of disqualification.

2080 5. The driver may submit to the department any materials
2081 relevant to the disqualification ~~arrest~~.

2082 (2) Except as provided in paragraph (1) (a), the law
2083 enforcement officer shall forward to the department, within 5
2084 days after the date of the ~~arrest or the~~ issuance of the notice
2085 of disqualification, ~~whichever is later~~, a copy of the notice of
2086 disqualification, the driver's license of the person disqualified
2087 ~~arrested~~, and a ~~report of the arrest, including, if applicable,~~
2088 an affidavit stating the officer's grounds for belief that the
2089 person disqualified ~~arrested~~ was operating or in actual physical
2090 control of a commercial motor vehicle, or holds a commercial
2091 driver's license, and had an unlawful blood-alcohol or breath-
2092 alcohol level in violation of s. 316.193; the results of any
2093 breath or blood or urine test or an affidavit stating that a
2094 breath, blood, or urine test was requested by a law enforcement
2095 officer or correctional officer and that the person arrested
2096 refused to submit; a copy of the notice of disqualification
2097 ~~citation~~ issued to the person ~~arrested~~; and the officer's
2098 description of the person's field sobriety test, if any. The

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2099 failure of the officer to submit materials within the 5-day
2100 period specified in this subsection or subsection (1) does ~~shall~~
2101 not affect the department's ability to consider any evidence
2102 submitted at or prior to the hearing. The officer may also submit
2103 a copy of a videotape of the field sobriety test or the attempt
2104 to administer such test and a copy of the crash report, if any.

2105 (3) If the department determines that the person arrested
2106 should be disqualified from operating a commercial motor vehicle
2107 pursuant to this section and if the notice of disqualification
2108 has not already been served upon the person by a law enforcement
2109 officer or correctional officer as provided in subsection (1),
2110 the department shall issue a notice of disqualification and,
2111 unless the notice is mailed pursuant to s. 322.251, a temporary
2112 permit which expires 10 days after the date of issuance if the
2113 driver is otherwise eligible.

2114 (4) If the person disqualified ~~arrested~~ requests an
2115 informal review pursuant to subparagraph (1)(b)3., the department
2116 shall conduct the informal review by a hearing officer employed
2117 by the department. Such informal review hearing shall consist
2118 solely of an examination by the department of the materials
2119 submitted by a law enforcement officer or correctional officer
2120 and by the person disqualified ~~arrested~~, and the presence of an
2121 officer or witness is not required.

2122 (5) After completion of the informal review, notice of the
2123 department's decision sustaining, amending, or invalidating the
2124 disqualification must be provided to the person. Such notice must
2125 be mailed to the person at the last known address shown on the
2126 department's records, and to the address provided in the law
2127 enforcement officer's report if such address differs from the

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2128 address of record, within 21 days after the expiration of the
2129 temporary permit issued pursuant to subsection (1) or subsection
2130 (3).

2131 (6) (a) If the person disqualified ~~arrested~~ requests a
2132 formal review, the department must schedule a hearing to be held
2133 within 30 days after such request is received by the department
2134 and must notify the person of the date, time, and place of the
2135 hearing.

2136 (b) Such formal review hearing shall be held before a
2137 hearing officer employed by the department, and the hearing
2138 officer shall be authorized to administer oaths, examine
2139 witnesses and take testimony, receive relevant evidence, issue
2140 subpoenas for the officers and witnesses identified in documents
2141 as provided in subsection (2), regulate the course and conduct of
2142 the hearing, and make a ruling on the disqualification. The
2143 department and the person disqualified ~~arrested~~ may subpoena
2144 witnesses, and the party requesting the presence of a witness
2145 shall be responsible for the payment of any witness fees. If the
2146 person who requests a formal review hearing fails to appear and
2147 the hearing officer finds such failure to be without just cause,
2148 the right to a formal hearing is waived ~~and the department shall~~
2149 ~~conduct an informal review of the disqualification under~~
2150 ~~subsection (4)~~.

2151 (c) A party may seek enforcement of a subpoena under
2152 paragraph (b) by filing a petition for enforcement in the circuit
2153 court of the judicial circuit in which the person failing to
2154 comply with the subpoena resides. A failure to comply with an
2155 order of the court shall result in a finding of contempt of

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2156 court. However, a person shall not be in contempt while a
2157 subpoena is being challenged.

2158 (d) The department must, within 7 days after a formal
2159 review hearing, send notice to the person of the hearing
2160 officer's decision as to whether sufficient cause exists to
2161 sustain, amend, or invalidate the disqualification.

2162 (7) In a formal review hearing under subsection (6) or an
2163 informal review hearing under subsection (4), the hearing officer
2164 shall determine by a preponderance of the evidence whether
2165 sufficient cause exists to sustain, amend, or invalidate the
2166 disqualification. The scope of the review shall be limited to the
2167 following issues:

2168 (a) If the person was disqualified from operating a
2169 commercial motor vehicle for driving with an unlawful blood-
2170 alcohol level ~~in violation of s. 316.193~~:

2171 1. Whether the arresting law enforcement officer had
2172 probable cause to believe that the person was driving or in
2173 actual physical control of a commercial motor vehicle, or any
2174 motor vehicle if the driver holds a commercial driver's license,
2175 in this state while he or she had any alcohol, chemical
2176 substances, or controlled substances in his or her body.

2177 ~~2. Whether the person was placed under lawful arrest for a~~
2178 ~~violation of s. 316.193.~~

2179 ~~2.3.~~ Whether the person had an unlawful blood-alcohol level
2180 or breath-alcohol level of 0.08 or higher as provided in s.
2181 316.193.

2182 (b) If the person was disqualified from operating a
2183 commercial motor vehicle for refusal to submit to a breath,
2184 blood, or urine test:

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2185 1. Whether the law enforcement officer had probable cause
2186 to believe that the person was driving or in actual physical
2187 control of a commercial motor vehicle, or any motor vehicle if
2188 the driver holds a commercial driver's license, in this state
2189 while he or she had any alcohol, chemical substances, or
2190 controlled substances in his or her body.

2191 2. Whether the person refused to submit to the test after
2192 being requested to do so by a law enforcement officer or
2193 correctional officer.

2194 3. Whether the person was told that if he or she refused to
2195 submit to such test he or she would be disqualified from
2196 operating a commercial motor vehicle for a period of 1 year or,
2197 in the case of a second refusal, permanently.

2198 (8) Based on the determination of the hearing officer
2199 pursuant to subsection (7) for both informal hearings under
2200 subsection (4) and formal hearings under subsection (6), the
2201 department shall:

2202 (a) Sustain the disqualification for a period of 1 year for
2203 a first refusal, or permanently if such person has been
2204 previously disqualified from operating a commercial motor vehicle
2205 as a result of a refusal to submit to such tests. The
2206 disqualification period commences on the date of the arrest or
2207 issuance of the notice of disqualification, whichever is later.

2208 (b) Sustain the disqualification:

2209 1. For a period of 1 year if the person was driving or in
2210 actual physical control of a commercial motor vehicle, or any
2211 motor vehicle if the driver holds a commercial driver's license,
2212 and had an unlawful blood-alcohol level or breath-alcohol level

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2213 ~~of 0.08 or higher; or 6 months for a violation of s. 316.193 or~~
2214 ~~for a period of 1 year~~

2215 2. Permanently if the person has been previously
2216 disqualified from operating a commercial motor vehicle or his or
2217 her driving privilege has been previously suspended for driving
2218 or being in actual physical control of a commercial motor
2219 vehicle, or any motor vehicle if the driver holds a commercial
2220 driver's license, and had an unlawful blood-alcohol level or
2221 breath-alcohol level of 0.08 or higher ~~as a result of a~~
2222 ~~violation of s. 316.193.~~

2223

2224 The disqualification period commences on the date of the arrest
2225 or issuance of the notice of disqualification, ~~whichever is~~
2226 ~~later.~~

2227 (9) A request for a formal review hearing or an informal
2228 review hearing shall not stay the disqualification. If the
2229 department fails to schedule the formal review hearing to be held
2230 within 30 days after receipt of the request therefor, the
2231 department shall invalidate the disqualification. If the
2232 scheduled hearing is continued at the department's initiative,
2233 the department shall issue a temporary driving permit limited to
2234 noncommercial vehicles which is ~~shall be~~ valid until the hearing
2235 is conducted if the person is otherwise eligible for the driving
2236 privilege. Such permit shall not be issued to a person who sought
2237 and obtained a continuance of the hearing. The permit issued
2238 under this subsection shall authorize driving for business
2239 purposes ~~or employment use~~ only.

2240 (10) A person who is disqualified from operating a
2241 commercial motor vehicle under subsection (1) or subsection (3)

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2242 is eligible for issuance of a license for business or employment
2243 purposes only under s. 322.271 if the person is otherwise
2244 eligible for the driving privilege. However, such business or
2245 employment purposes license shall not authorize the driver to
2246 operate a commercial motor vehicle.

2247 (11) The formal review hearing may be conducted upon a
2248 review of the reports of a law enforcement officer or a
2249 correctional officer, including documents relating to the
2250 administration of a breath test or blood test or the refusal to
2251 take either test. However, as provided in subsection (6), the
2252 driver may subpoena the officer or any person who administered or
2253 analyzed a breath or blood test.

2254 (12) The formal review hearing and the informal review
2255 hearing are exempt from the provisions of chapter 120. The
2256 department is authorized to adopt rules for the conduct of
2257 reviews under this section.

2258 (13) A person may appeal any decision of the department
2259 sustaining the disqualification from operating a commercial motor
2260 vehicle by a petition for writ of certiorari to the circuit court
2261 in the county wherein such person resides or wherein a formal or
2262 informal review was conducted pursuant to s. 322.31. However, an
2263 appeal shall not stay the disqualification. This subsection shall
2264 not be construed to provide for a de novo appeal.

2265 (14) The decision of the department under this section
2266 shall not be considered in any trial for a violation of s.
2267 316.193, s. 322.61, or s. 322.62, nor shall any written statement
2268 submitted by a person in his or her request for departmental
2269 review under this section be admissible into evidence against him
2270 or her in any such trial. The disposition of any related criminal

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2271 proceedings shall not affect a disqualification imposed pursuant
2272 to this section.

2273 (15) This section does not preclude the suspension of the
2274 driving privilege pursuant to s. 322.2615. The driving privilege
2275 of a person who has been disqualified from operating a commercial
2276 motor vehicle also may be suspended for a violation of s.
2277 316.193.

2278 Section 41. Subsection (10) of section 324.021, Florida
2279 Statutes, is amended to read:

2280 324.021 Definitions; minimum insurance required.--The
2281 following words and phrases when used in this chapter shall, for
2282 the purpose of this chapter, have the meanings respectively
2283 ascribed to them in this section, except in those instances where
2284 the context clearly indicates a different meaning:

2285 (10) JUDGMENT.--Any judgment becomes ~~which shall have~~
2286 ~~become~~ final by expiration without appeal of the time within
2287 which an appeal might have been perfected, or by final
2288 affirmation on appeal, rendered by a court of competent
2289 jurisdiction of any state or of the United States upon a cause of
2290 action arising out of the ownership, maintenance, or use of any
2291 motor vehicle for damages, including damages for care and loss of
2292 services because of bodily injury to or death of any person, or
2293 for damages because of injury to or destruction of property,
2294 including the loss of use thereof, or upon a cause of action on
2295 an agreement of settlement for such damage.

2296 Section 42. (1) The Automobile Lenders Industry Task Force
2297 is created within the Department of Highway Safety and Motor
2298 Vehicles. The task force shall make recommendations on proposed
2299 legislation and proposed department rules, shall present issues

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2300 concerning the motor vehicle lending industry to the department
2301 for its consideration, shall consider any matters relating to the
2302 motor vehicle lending industry which are presented to it by the
2303 department, and shall submit a final report, including
2304 legislative proposals to the Governor, the President of the
2305 Senate, the Speaker of the House of Representatives and
2306 appropriate committees within the Legislature by June 30, 2009,
2307 when the task force shall cease to exist.

2308 (2) The task force shall be composed of 12 members
2309 appointed by each of the following organizations: one
2310 representative of the Department of Highway Safety and Motor
2311 Vehicles; one representative of the independent motor vehicle
2312 industry, appointed by the Florida Independent Automobile Dealers
2313 Association; one representative of the franchise motor vehicle
2314 industry, appointed by the Florida Automobile Dealers
2315 Association; one representative of credit unions, appointed by
2316 the Florida Credit Union League; one representative of the
2317 banking industry, appointed by the Florida Bankers Association;
2318 one representative of the insurance industry, appointed by the
2319 Florida Insurance Council; one state attorney, appointed by the
2320 Florida State Attorneys Association; one representative of the
2321 Office of Financial Regulation of the Department of Financial
2322 Services; one representative of a law enforcement agency,
2323 appointed by the Florida Auto Theft Intelligence Unit; one
2324 representative of the auto repair industry, appointed by the
2325 Florida Automotive Services Association; one representative of
2326 the towing industry, appointed by the Professional Wrecker
2327 Operators of Florida; and one representative of independent motor

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2328 vehicle finance companies, appointed by the Florida Financial
2329 Services Association.

2330 (3) (a) The task force shall elect a chair and vice chair at
2331 its initial meeting, which shall be held by July 15, 2008.

2332 (b) The task force shall meet at least four times in
2333 different areas of the state, including one meeting in
2334 Tallahassee. Meetings may be called by the chair or by a simple
2335 majority of the members. The task force shall conduct all
2336 meetings pursuant to general law and shall keep minutes of its
2337 meetings. Meetings may be held in locations around the state in
2338 department facilities or in other appropriate locations. The
2339 department shall provide administrative support to the task
2340 force.

2341 (3) Members from the private sector are not entitled to per
2342 diem or reimbursement for travel expenses. However, members from
2343 the public sector are entitled to reimbursement, if any, from
2344 their respective agency. The task force may request assistance
2345 from the Department of Highway Safety and Motor Vehicles as
2346 necessary.

2347 Section 43. Except for specialty license plates approved
2348 before or during the 2008 Legislative session, the Department of
2349 Highway Safety and Motor Vehicles may not issue any new specialty
2350 license plates pursuant to ss. 320.08056 and 320.08058, Florida
2351 Statutes, between July 1, 2008, and July 1, 2011.

2352 Section 44. Except as otherwise expressly provided in this
2353 act and except for this section, which shall take effect July 1,
2354 2008, this act shall take effect October 1, 2008.